John Kay & Son.

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF GEORGIA,

PASSED IN

MILLEDGEVILLE,

AT AN

ANNUAL SESSION

IN

DECEMBER 1865,

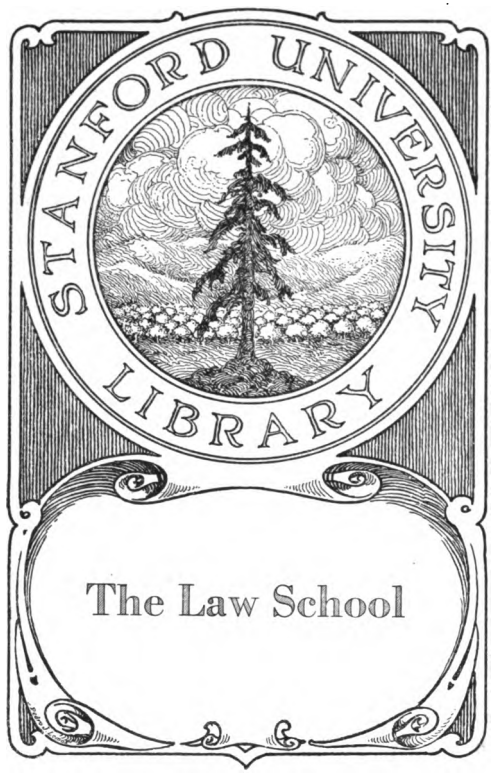
AND

JANUARY, FEBRUARY, AND MARCH,

1866.

BOUGHTON, NISBET, BARNES & MOORE, STATE PRINTERS,
MILLEDGEVILLE, GA.,

1866.



Georgia Christian

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PART I.—PUBLIC LAWS.

TITLE I.

AGRICULTURE AND MANUFACTURES.

Section 1. Donation of public lands accepted.
Section 2. Act requiring names of stockholders in Factories to be published—repealed.
" 3. Penalties incurred—remitted.

(No. 1.)

An Act accepting for the State of Georgia the donation by the United States of certain lands to the several States and Territories which may provide Colleges for the benefit of Agriculture and the Mechanic Arts, by Acts of Congress, approved severally July 2nd, 1862, *and April 14th,* 1864, *and for other purposes therewith connected.*

1. SECTION I. *The General Assembly of the State of Georgia do enact,* That the State of Georgia hereby accepts the donation by the United States of such public lands as may be apportioned to said State, under an Act of the Congress of the United States, entitled an Act donating public lands to the several States and Territories which may provide Colleges for the benefit of Agriculture and the Mechanic Arts, approved July 2nd. 1862, and an Act extending the time within which the States and Territories may accept the grant of lands made by the aforesaid Act, approved April 14th, 1864, upon the terms and conditions prescribed therein. Donation of Public Lands accepted.

Approved 10th March, 1866.

(No. 2.)

An Act to repeal an Act to require the incorporated Cotton and Wool Factories in this State to publish lists of their stockholders, assented to, December 9th, 1862, and to remit the penalties incurred.

2. SEC. I. *The General Assembly of the State of Georgia do enact,* That an Act entitled an Act to require the incorporated Cotton and Wool Factories in this State to publish lists of their stockholders, assented to, December 9th, 1862, be and the same is hereby repealed.

Act repealed.

Forfeitures remitted.

3. SEC. II. That all penalties and forfeitures heretofore incurred under the said Act, be and the same are hereby remitted and released.

Approved 5th March, 1866.

TITLE II.

APPRENTICES.

SEC. 1. Minors may be bound out by parents.
" 2. By Judge of County Court or Ordinary in certain cases.
" 3. Indentures, how made, witnessed and kept.
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" 9. Right of action in the master.
" 10. Laws of force.

(No. 3.)

An Act to alter and amend the laws of this State, in relation to Apprentices.

1. SEC. I. *The General Assembly of this State, do enact,* From and after the passage of this act, that all minors may, by whichever parent has the legal control of them, be bound out as apprentices to any respectable person, until they attain the age of twenty-one, or for a shorter period.

Parents may bind out minor children.

2. SEC. II. It shall be the duty of the Judge of the County Court, or the Ordinary, to bind out, in like manner, all minors, whose parents are dead, or whose parents reside out of the county, the profits of whose estate are insufficient for their support and maintenance; also, all minors whose parents, from age, infirmity or poverty, are unable to support them.

Judge of Co. Court or Ordinary in what cases.

3. SEC. III. Indentures of apprenticeship shall be made in duplicate, and witnessed in the same manner as deeds. The original shall be kept by the master, and the duplicate shall be filed and recorded, either in the office of the Judge of the County Court, or in the Ordinary's office, and it shall not be necessary for the apprentice to sign the same.

Indentures—how made, witnessed and kept.

4. SEC. IV. THE DUTIES OF MASTER.—The master shall teach the apprentice the business of husbandry, house service, or some other useful trade or occupation, which shall be specified in the instrument of apprenticeship; shall furnish him with wholesome food, suitable clothing, and necessary medicine and medical attendance; shall teach him habits of industry, honesty and morality; shall cause him to be taught to read English; and shall govern him with humanity, using only the same degree of force to compel his obedience as a father may use with his minor child. What the master shall teach, furnish, &c.

5. SEC. V. CONTROVERSIES PENDING THE RELATION.—In all controversies between the master and his apprentice, pending the existence of the relation, the Judge of the County Court, or the Ordinary, may exercise jurisdiction, and on complaint of either party, and notice to the other, may cause justice to be done in a summary manner. If the master be in default, he shall be fined at the discretion of the Court, not exceeding fifty dollars, and if the apprentice, the Court may order such correction as the circumstances may demand, not extending to cruelty. Jurisdiction of Judge of County Court or Ordinary.

6. SEC. VI. DISSOLUTION OF THE RELATION.—By consent of the parties, the Judge of the County Court, or the Ordinary, may dissolve the relation at any time; and on the death of the master, the said Judge or the Ordinary, may either dissolve it, or substitute in place of the deceased, his legal representative, or some member of his family; in which event, the person substituted, by filing a written acceptance, shall thenceforth have all the rights, and be bound for all the duties of the original master. Dissolution by consent, or for the death of master, shall be subject to the sound discretion of the Judge of the County Court, or of the Ordinary, as also shall be the selection of a successor to the master, as above mentioned; but if no successor be designated, and his acceptance filed within three months after death of the master, then the relation shall no longer exist. Relation how dissolved or changed.

7. SEC. VII. The Judge of the County Court, or the Ordinary, may also dissolve the relation, at the instance of the master, for gross misconduct in the apprentice; or at the instance of the apprentice, or any friend of his, for cruelty in the master, or for failure to furnish food, clothing, medicine, or medical attendance, or for jeopardy of the good morals of the apprentice, by reason of the master's depraved conduct. At instance of the master. Or the apprentice.

8. SEC. VIII. PROCEEDS OF LABOR—ALLOWANCE TO APPRENTICES.—To the master shall belong the proceeds of the apprentice's labor; but at the expiration of his term of service, a faithful apprentice shall be entitled to a small allowance from the master, with which to begin, life; the amount to be left in the first instance, to the master's generosity. If the master offer less than one hundred dollars, the apprentice may decline it, and cite the master before the Judge of the County Court, or the Ordinary; and after hearing both parties and their witnesses, if any, the said Judge, or the Ordinary, shall fix the sum to be paid, increasing or diminishing Allowance at expiration of service. Master offering less than $100.

the amount offered, according to the merits of the apprentice, the means of the master and the length and fidelity of the service.

Right of action against person employing apprentice.

9. SEC. IX. The master shall have a right of action against any person employing his apprentice, with notice of the fact, and the damages recovered shall not be less than twenty-five dollars.

Laws of force.

10. SEC. X. All laws of this State in reference to apprentices, not inconsistent with this Act, are declared of force; and all articles of apprenticeship heretofore required to be approved by, and recorded in the Inferior Court, shall hereafter be filed and recorded, as directed in section 3rd of this Act.

11. XI. Repeals conflicting laws.

Approved 17th March, 1866.

TITLE III.

APPROPRIATIONS, &C.

Sec. 1. Salaries of Governor, Secretary of State, Comptroller General and Treasurer; of Secretaries of Executive Department, Messenger and State Librarian; Attorney and Solicitors General and Reporter of Supreme Court; Contingent expenses of Supreme Court; salaries of Judges of Supreme Court and Judges of Superior Courts.
" 2. Additional assistance in Executive office.
" 3. Contingent fund: Printing fund; keeping in order Senate Chamber and Representative Hall; repairing State House Clock; pay of State House Guard.
" 4. Pay and mileage of members of the General Assembly.
" 5. Pay of Secretary of Senate and Clerk of the House; of other Clerks.
" 6. Pay and mileage of Door Keepers and Messengers.
" 7. Pay for any service ordered.
" 8. Annual salaries fixed by law.
" 9. Advances by Treasurer.
" 10. Salary of Superintendent of Lunatic Asylum, Trustees, Treasurer, sub-officers, and attendants and servants' hire; support of pauper patients; arrearages for 1865.
" 11. Appropriation to purchase corn for destitute.
" 12. For support of Academy for the Blind—and for repair of building.
" 13. Chaplains of Senate and of House of Representatives; Pages.
" 14. Clerk in Treasurer's office; in Comptroller General's.
" 15. To H. F. Merrell and Thomas D. Wright.
" 16. To F. T. Snead, A. D. Candler and John B. Estes.
" 17. To Messrs. Starnes, Bleckley, Hull and Barnett.
" 18. To L. H. Briscoe.
" 19. Pay of John G. Cushing.
" 20. Appropriation to Penitentiary.
" 21. Salaries of Secretary of Senate and Clerk of House. Additional compensation.
Sec. 22. For repairs of State House and Capitol grounds.
" 23. Secretary of State Finance Committee.
" 24. Furnishing and repairing Executive Mansion.
" 25. To S. P. Thurmond, Solicitor General.
" 26. For printing and advertisements by Provisional Governor.
" 27. Salary of Clerk in office of Secretary of State.
" 28. Appropriation for furnishing maimed indigent soldiers with artificial legs or arms.
" 29. To Johnson & Walker.
" 30. To committee appointed under resolution of Convention.
" 31. Books to Mr. Sanford.
" 32. To John Peabody, Solicitor General.
" 33. To pay expenses of witnesses before Committee.
" 34. Account of actual expenses of witnesses before investigating Committee to be paid.
" 35. Support and education of Deaf and Dumb.
" 36. Treasurer to burn uncurrent bills.
" 37. Appropriation to John B. Weems.
" 38. Contingent expenses of Secretary of Senate and Clerk of House.
" 39. Guards of State Magazine.
" 40. Salary of Principal Keeper of Penitentiary, Assistant Keeper, Book-Keeper, Tanner and Overseer.
" 41. Governor authorized to draw warrant in favor of Messrs. Starnes, Bleckley, Hull and Barnett.
" 42. D. B. Sanford to bring up unfinished business of late Clerk of Supreme Court—to be paid fees allowed before adoption of Code.
" 43. Work to be inspected.
" 44. Appropriation for repairing and keeping in order State House Clock.
" 45. For winding up for 1866.
" 46. $4000 to be advanced to State Printers.
" 47. Treasurer to make advances to members, &c., of General Assembly.

(No. 4.)

An Act for raising a Revenue for the political year eighteen hundred and sixty-six, and to appropriate money for the support of the Government during said year, and to make certain special appropriations, and for other purposes therein mentioned.

1. SECTION I. *Be it enacted, &c.*, That the following sums of money be, and the same are hereby appropriated to the respective persons and objects hereinafter mentioned, to-wit:

Salary of Governor.

Secretary of State, Comptroller and Treasurer.

Secretaries of Ex. Dept.

Messenger.

State Librarian.

Attorney and Solicitors General.

Reporter of Supreme Court.

Appropriation to Clerk of Supreme Court for Stationery and advertising.

Judges of Supreme Court.

Judges of Superior Courts.

The sum of four thousand dollars to His Excellency, the Governor, as his salary for the year eighteen hundred and sixty-six; and the further sum of two thousand dollars, each, to the Secretary of State, Comptroller General and State Treasurer, for the year eighteen hundred and sixty-six; and the sum of eighteen hundred dollars, each, to the Secretaries of the Executive Department, not exceeding two, for the year eighteen hundred and sixty-six; and the sum of nine hundred and fifty dollars to pay the Messenger of the Executive Department, for the year eighteen hundred and sixty-six; and the sum of twelve hundred dollars to the State Librarian, as his salary for the year eighteen hundred and sixty-six; and the sum of three hundred dollars to each, the State's Attorney and the Solicitors General, for the year eighteen hundred and sixty-six; and the sum of one thousand dollars to the Reporter of the decisions of the Supreme Court, as his salary for the year eighteen hundred and sixty-six; and the further sum of two hundred and fifty dollars be, and the same is hereby appropriated to pay the Clerk of the Supreme Court for stationery and advertising notices of the meeting of the said Court, in the year eighteen hundred and sixty-six; and the sum of thirty-five hundred dollars to each Judge of the Supreme Court, as his salary for the year eighteen hundred and sixty-six; and the sum of twenty-five hundred dollars to each Judge of the Superior Court, as his salary for the year eighteen hundred and sixty-six.

Governor to employ and pay for additional assistance in Executive office.

2. SEC. II. That His Excellency, the Governor, be authorized to employ such additional assistance in the Executive office, as he may deem necessary or proper, at any time, and that he draw his warrant on the Treasury, to pay for the same, out of any money not otherwise appropriated.

Contingent Fund.

Printing Fund.

Keeping in order Representative hall and Senate Chamber.

Repairing and keeping in order State House Clock.

State House Guard.

Pay of President of Senate and Speaker of House of Representatives.

3. SEC. III. That the sum of twenty thousand dollars, and the unexpended balance on hand, the fifteenth of October, eighteen hundred and sixty-five, be and the same is hereby appropriated as a Contingent Fund for the year eighteen hundred and sixty-six: and the sum of twenty-five thousand dollars be appropriated for a Printing Fund for the current year, and in case of a deficiency in this appropriation, the Governor is hereby authorized to draw his warrant on the Treasury for the same, to be paid out of any money in the Treasury not otherwise appropriated; and the sum of fifty dollars to the person selected by the Governor to keep clean, scour and air the Chambers of the Senate and Representative Halls, for the year eighteen hundred and sixty-six; and the sum of one hundred and fifty dollars, or so much thereof as may be necessary, to pay for repairing and keeping in order the State House Clock, for the year eighteen hundred and sixty-six, *Provided*, said Clock is kept in repair; and the sum of sixteen hundred dollars to pay the State House Guards, for the year eighteen hundred and sixty-six.

4. SEC. IV. That the sum of twelve dollars per day, each, be paid to the President of the Senate and Speaker of the House of Representatives, during the present session of the General As-

sembly, and the sum of five dollars for every twenty miles travel, going to, and returning from, the seat of Government, the distance to be computed by the nearest route usually traveled; and the sum of nine dollars, each, per day be paid to the members of the General Assembly, during the present session, and five dollars for every twenty miles of travel, going to and returning from the capital, under the same rules which apply to the President of the Senate and Speaker of the House of Representatives, *Provided*, that no member of the General Assembly shall receive pay for the time he may be absent, unless his absence was caused by the sickness of himself or his family, or he had leave of absence granted by the Senate or House, for satisfactory reasons.

Mileage.

Pay of Members.

Mileage.

Proviso.

5. SEC. V. That the sum of twelve dollars per day, each, be paid to the Secretary of the Senate, and the Clerk of the House of Representatives, for the present session; *Provided*, that no warrant shall issue in favor of either until His Excellency, the Governor, shall have satisfactory evidence that they have, respectively, made or caused to be made and attached to the Journals of their respective Houses a good and sufficient Index, and have carefully marked and filed away all reports of Standing Committees, and all other papers of importance connected with either House; the sum of twelve dollars per day, each, to the Journalizing Clerks, Assistant Clerk and Assistant Secretary of the Senate and House of Representatives; and the sum of nine dollars per day, each, to the Enrolling and Engrossing Clerks of the Senate and House of Representatives, for the time they have been actually employed, which shall only be allowed them upon the certificate of the Secretary or Clerk, stating that he required their services, and that they were actually performed; and the sum of nine dollars per day, each, to the Clerk of the Joint Finance Committee, and the Clerks of the Judiciary Committees of the Senate and House of Representatives for the time they have been actually employed, which shall only be allowed them upon the certificate of the chairman of the Committees, stating that the service was actually performed; and the sum of nine dollars per day to the Clerk of the Committee on Freedman's Affairs, for the time he was employed.

Secretary of Senate and Clerk of House.

Proviso.

Journalizing Clerks, Assistant Secretary of Senate and Assistant Clerk of House.

Enrolling and Engrossing Clerks.

Clerks of Finance and Judiciary Committees.

Clerk of Committee on Freedman's Affairs.

6. SEC. VI. That the sum of nine dollars per day be paid to each of the Door Keepers and Messengers of the Senate and House of Representatives, at the present session of the General Assembly, and the same mileage to each of said Door Keepers and Messengers as is paid to the members of the General Assembly.

Door-keepers and Messengers.

Mileage.

7. SEC. VII. That in all cases where the General Assembly directs the performance of any service or labor, for which no provision is made for compensation, the Governor is hereby authorized to draw his warrant on the Treasury for such sum or sums as in his judgment may be a just compensation.

Governor to make compensation for any service ordered.

8. SEC. VIII. That the various sums of the annual salaries of all the officers of this State, whose salaries are fixed by law, be, and

Annual salaries appropriated.

the same are hereby appropriated annually to pay said salaries until they are otherwise altered by law.

Treasurer to make advances on salaries.

9. SEC. IX. That the Treasurer be authorized to pay from time to time to the officers of the Government, whose salaries are appropriated by this Act, seventy-five per cent of the amount for which service has been actually rendered, at the date of such payment, taking receipts from said officers for the same. which receipts shall be as vouchers, and are hereby declared offsets, to the extent of such payments, to Executive warrants drawn at the end of the quarter for such officers' salaries.

Salary of Superintendent of Lunatic Asylum.

Salaries of Trustees, Treasurer, sub-officers and hire of attendants. Support of pauper patients. Arrearages for 1865.

10. SEC. X. That the sum of two thousand five hundred dollars be, and the same is hereby appropriated as the salary of the Superintendent and Resident Physician of the Lunatic Asylum; and the further sum of twelve thousand dollars for the salaries of Trustees and Treasurer, sub-officers, attendants and servants' hire; and the further sum of fifty thousand dollars for the support of pauper patients; and the further sum of three thousand three hundred and seventy-five dollars for the supply of amount wanted to pay liabilities of the year eighteen hundred and sixty-five.

For purchase of corn for destitute widows and orphans of soldiers and others.

11. SEC. XI. That the sum of two hundred thousand dollars, or so much thereof as shall be needed, be and the same is hereby appropriated to be used for the purchase of corn to give bread to such widows and orphans of soldiers, and to wounded or disabled soldiers, and to such aged or infirm white persons as must suffer without aid, on account of their destitution and inability to work for a living; and His Excellency, the Governor, is hereby authorized to negotiate for the said sum of two hundred thousand dollars, in the bonds of the State, under the same regulations as is provided for in the bill, entitled an Act to authorize His Excellency, the Governor of this State to issue and negotiate the bonds of the State to raise money for the payment of the public debt, and interest thereon, and to meet appropriations made, and to be made, by the General Assembly, and to provide a security for the same, and it shall be the duty of the Justices of the Inferior Court in each county, in this State, within one month from the time when they are notified of the passage of this Act to make out and forward to the Governor a statement of the number in each class within their respective counties who must suffer for bread unless they receive aid, and to require such soldier's widow, for herself and her children, and each guardian or person in charge of an orphan of a deceased soldier, and such person who was dependent upon a deceased soldier for support, and each soldier who is a cripple for life, and each aged or infirm white person who claims the benefit of this Act, to make oath that they have not the means of support, or of getting bread enough to live upon without aid, and that they are unable by their own labor to obtain bread; and said Court shall return none who fail to take this oath, and shall allow none to take it who, in their opinion, have the means of procuring bread, or are by their labor able to earn the same; and it shall be the duty of the Governor to appoint

Governor to negotiate bonds of the State.

Duty of Justices of Inferior Court.

a general purchasing Agent for the State, who shall buy a sufficient quantity of corn, from time to time, as is needed to supply the actual necessity for bread; and it shall be the duty of the Justices of the Inferior Court in each county to appoint an Agent or Agents to aid in making out the returns, and to receive the corn from the general purchasing Agent, and to distribute it among the suffering poor as aforesaid; but the whole matter shall be under the supervision of His Excellency, the Governor, who may at any time order the discharge of any Agent who is not, in his opinion, doing his duty, and he may do all other acts, and make all rules and regulations, necessary to furnish bread to the indigent poor according to the intent of this Section.

Governor to appoint a general purchasing Agent.

Inferior court to appoint county Agts.

Supervision by the Governor.

May discharge Agents.

Further powers of.

12. SEC. XII. That the sum of seven thousand dollars be, and the same is hereby appropriated to the Academy for the Blind, in this State, for the maintenance of pupils, salaries of officers, &c., from November first, eighteen hundred and sixty-five to the thirtieth of October, eighteen hundred and sixty-six; and the further sum of twenty-five hundred dollars for roofing the building.

Appropriation to Academy for the Blind, for support of.

For roofing building.

13. SEC. XIII. That the sum of two hundred dollars be, and the same is hereby appropriated as compensation to the Chaplains of the Senate and House; and the sum of fifty dollars, each, to the Pages of the Senate and House of Representatives.

Appropriation to Chaplains of Senate and House.

Pages.

14. SEC. XIV. That the sum of sixteen hundred dollars be, and the same is hereby appropriated to pay the Clerk in the Treasurer's office; and the sum of twelve hundred dollars to pay the Clerk in the Comptroller's office.

Clerk in Treasurer's office.

In Comptroller's office.

15. SEC. XV. That the sum of five hundred dollars be, and the same is hereby appropriated as additional compensation to H. F. Merrell, Journalizing Clerk of the House of Representatives, and the like sum to Thomas D. Wright, as Journalizing Clerk of the Senate, and that the Governor be authorized to draw his warrant for the same.

Additional compensation to H. F. Merrell.

Thomas D. Wright.

16. SEC. XVI. That the sum of three hundred and fifty dollars be, and the same is hereby appropriated as additional compensation to Fletcher T. Snead, Assistant Secretary of the Senate, and the same drawn under the warrant of the President of the Senate; and the like amount to Allen D. Candler, Assistant Clerk of the House of Representatives; and to John B. Estes, Clerk in the House of Representatives, for extra services rendered, the sum of five hundred dollars, to be drawn under the warrant of the Speaker of the House of Representatives.

To F. T. Snead.

Allen D. Candler.

John B. Estes.

17. SEC. XVII. That the sum of five hundred dollars, each, be paid to Eben'r Starnes, L. E. Bleckley, William Hope Hull, and Samuel Barnett, for their services in compiling a system of laws, intended to carry into effect, the 5th clause of the 5th section of the 2d article, and the latter part of the 3rd clause, of the 2d section, of the 4th article of the Constitution,

Appropriation to Messr Starnes, Bleckley, Hull and Barnett.

L. H. Briscoe.

18. SEC. XVIII. That the sum of one hundred dollars, be, and the same is hereby appropriated, to pay L. H. Briscoe, for compiling the Laws of (1864) eighteen hundred and sixty-four.

Pay to John G. Cushing.

19. SEC. XIX. That the sum of five dollars per day, be, and the same is hereby appropriated to pay John G. Cushing, for making fires, bringing water, sweeping, and keeping in order, the Senate Chamber, and the House of Representatives, during the present session of the General Assembly, out of which sum, he is to pay for all assistance employed.

For support and repairs of Penitentiary.

20. SEC. XX. That the sum of eighteen thousand dollars, be, and the same is hereby appropriated, for the support and repairs of the Georgia Penitentiary.

Salaries of Secretary of Senate and Clerk of House.

Additional compensation.

21. SEC. XXI. That the sum of five hundred dollars each, be appropriated to pay the salaries of John B. Weems, Secretary of the Senate, and James D. Waddell, Clerk of the House of Representatives, as prescribed by law, for the present session of the General Assembly, and the sum of two hundred and fifty dollars to each of said officers, as additional compensation.

Repairs of State House and Capitol grounds.

22. SEC. XXII. That the sum of eight thousand dollars be, and the same is hereby appropriated, for repairs of the State House and Capitol grounds.

Pay of Secretary, of State Finance Committee.

23. SEC. XXIII. That the sum of nine dollars per day be, and the same is hereby appropriated to pay Thomas W. White, for his services as Secretary of the State Finance Committee, appointed by resolution of the late State Convention; the term of actual service to be certified to, by the Chairman of the Committee.

For furnishing and repairing the Executive Mansion.

24. SEC. XXIV. That the sum of twenty thousand dollars or so much thereof as may be necessary, be, and the same is hereby appropriated for furnishing and repairing the Executive Mansion.

To S.P. Thurmond, Solicitor General.

25. SEC. XXV. That the sum of one hundred and fifty dollars, be, and the same is hereby appropriated to pay Samuel P. Thurmond, Solicitor General, for professional services rendered the State, in the case of Dr. Richard D. Moore vs the State of Georgia, in Clark Superior Court.

Printing and advertisem'ts ordered by Prov. Gov.

26. SEC. XXVI. That the Governor is hereby authorized to have audited all claims against the State for printing the amnesty oaths and advertisements, ordered by the Provisional Governor, under proclamation of the Provisional Governor, and if ascertained to be correct, to pay the same out of the printing fund appropriated by this Act.

Clerk in office of Sec. of State.

27. SEC. XXVII. That the sum of twelve hundred dollars, be, and the same is hereby appropriated, to pay the Clerk in the Secretary of State's office, as his salary for the year 1866.

For furnishing artificial legs or arms to maimed indigent soldiers.

28. SEC. XXVIII. That the sum of twenty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated, for the purpose of furnishing maimed indigent soldiers or officers, who have been maimed in the service of the State, or in the service of the Confederate States, while a member of any Military organization, with an artificial leg or arm.

29. SEC. XXIX. That the sum of one hundred and eighteen dollars, be, and the same is hereby appropriated to pay Johnson and Walker for two hundred and fifteen and one-half yards of bagging, furnished for the use of the Senate and House of Representatives. To Johnson & Walker.

30. SEC. XXX. That the sum of five hundred dollars each, be appropriated to pay Thomas P. Saffold, Charles S. Jordan, Sen., and O. A. Lochrane, the committee appointed by the Provisional Governor, under a resolution of the late State Convention. To Com. appointed under resolution of Convention.

31. SEC. XXXI. That the sum of thirty dollars, or so much thereof as may be necessary to furnish two books of record for Mr. Sanford, the agent who has been appointed to bring up the unfinished business of the Supreme Court, and that the Governor be authorized to draw his warrant on the Treasurer for the same. To furnish books of record to Mr. Sanford.

32. SEC. XXXII. That the sum of one hundred and fifty dollars be, and the same is hereby appropriated, to pay John Peabody, Solicitor General, for Small Pox claims. J. Peabody, Sol. General.

33. SEC. XXXIII. That the sum of one hundred and forty-eight dollars and ninety cents, be, and the same is hereby appropriated, to pay the expenses incurred by B. B. Ferrell, R. L. Rogers and Dr. George D. Phillips, witnesses, who were required to attend before the Committee appointed by the Provisional Governor, under Ordinance of the late State Convention, to investigate the finances of the State, and the Governor is hereby authorized to draw his warrant on the Treasury for the same, in accordance with the respective services rendered by each of said witnesses. For expenses of witnesses before Committee under Ordinance of Convention.

34. SEC. XXXIV. That it shall be the duty of the Governor to audit the account of each witness who was required to appear before the investigating committee, composed of Messrs. Lochrane, Saffold and Jordan, and such sum is hereby appropriated as may be necessary to pay their actual expenses. Accounts of witnesses before investigating Committee to be audited and paid.

35. SEC. XXXV. That the Governor be authorized to draw his warrant for eight thousand dollars, or so much thereof as he may deem necessary, should he determine that such expenditure is proper to be made, for the support and education of the deaf and dumb. Governor authorized to draw warrant for support and education of Deaf and Dumb.

36. SEC. XXXVI. That immediately after the passage of this act, the State Treasurer be authorized and required, in the presence of any two persons to be appointed by the Governor, to burn all the Confederate Treasusy notes, State Treasury Notes, and State change bills, and other uncurrent notes, that may be in the Treasury, at the time of said burning, and that for the purpose of meeting the charges of the Comptroller General against the Treasurer for these Confederate Treasury notes, State Treasury notes, change bills, and other uncurrent notes, the Governor is hereby authorized and required to draw his warrant on the Treasury, in favor of the Treasurer for the amount thus burned. Treasurer required to burn uncurrent bills in the Treasury. Governor to draw warrant in favor of Treasurer.

37. SEC. XXXVII. That the sum of two hundred and fifty dollars be appropriated to pay John B. Weems, for expenses and labor in copying and having printed the "Freedman's Code", under a resolution of the Senate. Appropriation to Jno. B. Weems.

For contingent expenses of Secretary of Senate and Clerk of House.

38. SEC. XXXVIII. That the sum of seventy-five dollars or so much thereof as may be necessary, is hereby appropriated each, to the Secretary of the Senate, and Clerk of the House of Representatives, to defray the contingent expenses of their respective offices, at the present session of the General Assembly.

To guards of the State Magazine

39. SEC. XXXIX. That the sum of fifty-seven dollars, be, and the same is hereby appropriated to each, John R. Roberts and Elam Johnson, for services as guard of the State Magazine at Milledgeville, for fifty-two nights immediately preceding its destruction by the Federal army.

Salary of Principal Keeper of Penitentiary. Assistant Keeper. Book-keeper. Tanner. Overseer.

40. SEC. XL. That the sum of two thousand dollars be appropriated to the Principal Keeper of the Penitentiary, as his salary for the year 1866; the sum of twelve hundred dollars to the Assistant Keeper; the sum of twelve hundred dollars to the Book-Keeper and Salesman; the sum of twelve hundred dollars for the Tanner, and the sum of eight hundred dollars to the Overseer, as the salary of these several officers for the year 1866, beginning January the first; and that these several sums be the compensation per annum of these several officers, until changed by law.

Approved 13th March, 1866.

(No. 5.)

An Act to compensate Ebenezer Starnes, L. E. Bleckley, Wm. Hope Hull and Samuel Barnett, Commissioners.

Governor authorized to draw warrant in favor of Messrs. Starnes, Bleckley, Hull and Barnett.

41. SEC. I. *The General Assembly of the State of Georgia do enact,* That from and after the passage of this Act, the Governor be authorized to draw his warrant on the Treasurer, for the sum of two thousand dollars, to pay Ebenezer Starnes, L. E. Bleckley, Wm. Hope Hull, and Samuel Barnett, commissioners appointed by the recent Convention, to prepare a system of laws, to carry into effect the 5th clause, of the 5th section, of the 2d article, and the latter part of the 3rd clause, of the 2d section, of the 4th article, of the Constitution.

Approved 12th March, 1866.

(No. 6.)

An Act to appropriate money to pay D. B. Sanford, to bring up the unfinished business of the late Clerk of the Supreme Court, R. E. Martin, deceased.

Preamble.

WHEREAS, R. E. Martin, late Clerk of the Supreme Court of this State, died insolvent, or nearly so; *and whereas,* the Administrator of the said R. E. Martin, with the approval of the Supreme Court, did agree with, and employ D. B. Sanford, who was, at and before that time, a Clerk in Martin's office, to bring up such part, or so much of the unfinished business, as the said Administrator could pay for out of the estate of his intestate, *and whereas,* the said Administrator was compelled to cease said stipulated payment, on account of the exhaustion of the assets of the estate, *and whereas,* a large amount of business remains yet unfinished, and it is indispensably necessary that it should be done, therefore,

42. SEC. I. *Be it enacted, &c.*, That D. B. Sanford is hereby authorized to continue the work of bringing up the unfinished business of the late Clerk of the Supreme Court of this State, until the same is finished, and that he be allowed to retain possession of all papers necessary for the completion of said work, and that he be paid therefor, out of any moneys not otherwise appropriated, the same fees for recording, which were allowed by law, to the Clerk of the Supreme Court, before the adoption of the Code.

D. B. Sanford to bring up unfinished business of late Clerk of Supreme Court. To retain necessary papers. Fees for recording.

43. SEC. II. That it shall be the duty of His Excellency, the Governor, to inspect said work, before the same is paid for.

Governor to inspect work.

SEC. III. Repeals conflicting laws.

Approved 6th March, 1866.

(No. 7.)

An Act to appropriate money to repair and wind up the State-House Clock.

44. SEC. I. *Be it enacted, &c.*, That the sum of one hundred dollars, or so much thereof as may be necessary, be appropriated to pay some fit and proper person, to be selected by His Excellency the Governor, for repairing the State House Clock, and that said person selected, shall put in thorough repair said Clock, in all its parts, at as early a day as practicable, and keep it in running order during the year 1866.

Appropriation for repairing and keeping in order the State House Clock.

45. SEC. II. That the sum of fifty dollars be appropriated to pay such person as His Excellency the Governor may select, for winding up said clock, for the year eighteen hundred and sixty-six.

For winding up.

Approved 28th February, 1866.

SEC. 3. Repeals conflicting laws.

(No. 8.)

An Act to authorize an advance of payment to be made to the Public Printer, of the present session of the Legislature.

46. SEC. I. *The General Assembly of Georgia do enact*, That the State Treasurer be, and he is hereby authorized and required, to advance to Boughton, Nisbet, Barnes & Moore, State Printers of the present session of the Legislature, four thousand dollars, upon the warrant of His Excellency the Provisional Governor, or his successor in office.

$4000 to be advanced to State Printers.

Approved 21st December, 1866.

(No. 9.)

An Act to authorize and require the Treasurer of this State to make certain advances, and for other purposes.

47. SEC. I. *The General Assembly of Georgia do enact*, That the Treasurer of this State be, and he is hereby authorized and required, to make advances to any member of the General Assembly, to the Secretary of the Senate, and Messenger and Doorkeeper, and

Advances authorized to members and officers of. Limit of

the Clerk of the House, Messenger and Doorkeper; and in no case to exceed the probable *per diem* pay and mileage of any member, and the probable *per diem* of the Secretary of the Senate, Messenger and Doorkeeper, and Clerk of the House, Messenger and Doorkeeper.

SEC. II. Repeals conflicting laws.

Approved 5th February, 1866.

TITLE IV.

BONDS OF THE STATE.

Section 1. Governor authorized to issue Bonds, amount, rate of interest, when redeemable.
" 2. How signed and registered, Coupons.
" 3. Agents to regulate sale of.
" 4. Income of W. & A. R. R pledged for payment of. May be mortgaged for security.
" 5. Limitation of discount on certain bonds removed.
Section 6. Laws appropriating income of W. & A. R Repealed. Exceptions and Provisos
" 7. Governor may issue bonds for payment of U. S. land tax
" 8. And in renewal of bonds now due and for interest thereon.

(No. 10.)

An Act to authorize his Exeellency the Governor of this State to issue and negotiate the Bonds of this State, whereby to raise money to meet appropriations made and to be made by the General Assembly, and to provide for the repairs and better equipment of the Western & Atlantic Rail Road, and to relieve the People of this State from the United States Land Tax, and to provide a security for the indebtedness to be created by this Act, and for other purposes therein named.

Governor authorized to issue State Bonds.

1. SECTION I. *Be it enacted, &c.*, That for the purpose of raising funds to meet appropriations made, and to be made, and for the repairs and equipment of the Western & Atlantic Rail Road, his Excellency, the Governor, is hereby authorized to issue and negotiate Bonds of this State for an aggregate amount of one and a half millions of dollars. Said bonds to bear interest at a rate not exceeding seven per cent. per annum, payable semi-annually, at such place or places as he may choose to designate. The said bonds shall run for a period of not longer than thirty years, and may be, if the Governor so directs, redeemable in not less than five nor longer than twenty years, at the option of the State, and known as "Five Twenties," or of such other form as he may deem most desirable.

Amount of.

Rate of interest.

Bonds, when redeemable.

Signed and registered.

Coupons.

2. SEC. II. The said Bonds shall be signed by his Excellency the Governor, and countersigned by the Comptroller General, and by him to be registered in a Book to be kept for that purpose. If Coupons are attached, they shall be signed by the Treasurer, or some one appointed by the Governor to perform that service.

3. SEC. III. For the purpose of effecting the negotiation of

said Bonds, the Governor is authorized to employ an Agent, or Agents, to visit such place or places as he may direct, and to empower such Agent to make the negotiation upon such terms, and with such limitations, as the Governor may instruct, not inconsistent with the provisions of this Act. Agents to negotiate.

4. SEC. IV. For the payment of the interest on said Bonds, and for the creation of a sinking fund to discharge the principal of the same, there shall be annually set apart and pledged, so much of the income of the Western & Atlantic Rail Road, as will amount to the annual interest, and three per cent upon the principal debt, which pledge shall be incorporated in the Bonds aforesaid; and the said sinking fund shall be invested, from time to time, in the purchase and cancellation of said Bonds, or in such securities as the Legislature may direct. But should his Excellency the Governor find it impolitic, or not desirable, to provide such sinking fund, or pledge the income of the said Road, or he prefer to give other or additional security, then the Superintendent and Auditor of the Western & Atlantic Rail Road shall, on request of the Governor, make and execute to three Trustees, to be appointed by him, mortgage upon said Road, its appurtenances and franchises, which said mortgage shall be a lien upon the same for the security and benefit of the Bond holders, and may be enforced against the said Western & Atlantic Rail Road as a corporation. On failure of the State to redeem said Bonds, or to pay the interest as it falls due, said Trustees shall proceed to foreclose and enforce said mortgage lien whenever requested to do so by any holder of said Bonds, where the same are over due, or the interest is unpaid.

Income of W. & A R. pldg'd for payment of interest, & creation of a sinking fund.

Or W. & A R R may be mortgaged for security of bondholders.

Foreclosure mortgage.

5. SEC. V. That the limitation heretofore placed by an Ordinance of the Convention limiting the discount of certain Bonds authorized by said Convention to be issued, is hereby removed, and said Bonds shall, or may be, negotiated upon like terms and conditions, as the Bonds authorized by this Act, to be issued.

Limitation on discount of certain bonds removed.

6. SEC. VI. That all laws heretofore passed appropriating the income of the Western & Atlantic Rail Road for other purposes, be and the same are hereby repealed, except in such cases where the repeal of the same would operate as a violation of contract;

Laws, appropriating income of W. & A. R R repealed Exceptions.

Provided, That nothing in this Act shall be so construed as to repeal an act to provide for the education of the children of this State between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt, assented to December 11th, 1858, but the nett income appropriated by said act shall not be paid until the interest on State Bonds, and the three per cent. sinking fund, shall be first set aside.

And Proviso.

7. SEC. VII. That his Excellency, the Governor, is hereby authorized to issue and negotiate Bonds, to the amount of six hundred thousand dollars, at such time and rate of interest, not exceeding seven per cent., as he may find necessary and proper, for the purpose of paying to the Government of the United States, the Land Tax about to be levied on the People of the State of Georgia,

Bonds authorized to be issued for payment of U S. Land tax.

in behalf of the Government of the United States, said tax amounting to five hundred and eighty-four thousand, three hundred and sixty-seven dollars and thirty-three cents, and interest which may be due thereon.

In renewal of Bonds now due and interest.

8. SEC. VIII. That his Excellency, the Governor, is hereby authorized to issue bonds in renewal of Bonds now due, and interest thereon, amounting, in the aggregate, principal and interest, to the sum of eight hundred and thirty thousand, five hundred and fifty dollars; the Bonds so issued by virtue of this Section, to bear the same rate of interest, to be payable at the same time, and to be covered by the same security, as the Bonds authorized to be issued in the first Section of this Act.

SEC. IX. Repeals conflicting laws.

Approved 12th March, 1866.

TITLE V.

CODE—CHANGES IN.

SUBJECTS AND SECTIONS.

ACT.		SUBJECTS.	SECTIONS.
No.		11. General Assembly,	183
"		12. Inferior Court,	285 287
"		13. Solicitors General,	349
"		14. Roads, &c.,	585–604
"		15. Elections,	1282
"	16	17. Lunatic Asylum,	1290 1307
"	18	19. Physicians and Druggists,	1338–1353
"		20. Wood, timber, &c.,	1512
"		21. Weights and measures,	1528
"		22. Drains and ditches,	1540
"		23. Corporations, creation of,	1629–1631
"		24. Marriage, prohibited degrees,	1655
"		25. Guardians,	1775 1776
"		26. Acts void against creditors,	1954
"		27. Property exempt,	2013 2021
"		28. Executors,	2416
"	29 30	31. Administrators, &c.,	2462–2531
"		32. Aliens,	2635
"		33. Bail, &c.,	3320
"		34. Garnishment,	3478
"		35. Fees of Sheriffs, &c.,	3621
"		36. Mortgages in Chatham county,	3866
"	37 38	39. Proceedings against tenants,	3984–5 4792–3
"		40. Forcible Entry and Detainer,	3988

CODE—CHANGES IN.

Section 1. General Assembly—Repeals Sec. 183 of Code.
" 2. Inferior Court--Repeals Sec. 285, except 5th clause, and repeals 1st, 2nd and 3rd clauses of Sec. 287.
" 3. Solicitors General—Repeals requirement of prior residence in Circuit.
" 4. Roads, &c.—Defines persons subject to road duty.
" 5. Requires lists of persons of color liable to road duty. Penalty.
" 6. Defaulters to be fined or imprisoned.
" 7. Commissioners to issue executions or warrants.
" 8. Constables neglecting duty, subject to rule and suit.
" 9. Notice to employer to have effect of garnishment.
" 10. Election for members of the General Assembly. Changes hour of closing pol's.
" 11. Lunatic Asylum. Report of Trustees to include what.
" 12. Accounts of expenditures to be in what form.
" 13. Inebriates to be controlled as other patients.
" 14. Physicians & Druggists. Sections 1338, 1339, 1340, 1341, 1343 and 1351 of the Code amended.
" 15. Licenses to be recorded, Clerk of Inferior Court to keep list of names.
" 16. Section 1350 amended.
" 17. Wood, timber, &c. Inspector or measurer when guilty of misdemeanor. Penalty.
" 18. Weights and measures. Sec. 1528 suspended in counties having no standards of weights, &c.
" 19. Drains and ditches. Owner of land may extend drain or ditch through adjoining land. Compensation to be made. Award of.
" 20. Corporations, creation of, "Inferior Court" stricken out, term may be twenty years.
" 21. Ten per cent of capital stock must be paid in; corporators must exercise powers granted in two years; liability of stockholders.
" 22. Declaration to be made by applicant, specifying objects, &c., to be filed, record and publication of.
" 23. Sections 1630 and 1631 repealed.
" 24. Marriage. Part of Section 1655 repealed.
" 25. Guardians. Maintenance and education of wards, binding out orphans.
Section 26. Acts void against creditors. Assignment in trust by insolvent debtor.
" 27. Property exempt from sale. Exemptions, &c., extended to intestate insolvent estates.
" 28. Section 2021 amended, as to wife or widow and children of debtor.
" 29. Executors. Section 2416 amended as to resigning trusts.
" 30. Administrators, &c. Unrepresentad estates; when Ordinary to vest administration in Clerk or other proper person, bond, proviso.
" 31. Rules in Section 2461 to govern Ordinary, proviso.
" 32. Preference when good security offered.
" 33. Administrator to appraise all real estate in the county.
" 34. To return real estate lying without the county.
" Where estate to be kept together, appraisers appointed to set apart year's support may act for subsequent years, or Ordinary may appoint others.
" 36. Aliens. May hold lands, conditions, failing to improve, tax, how collected, overplus from sale of lands. Proviso.
" 37. Bail, &c. Defendant removing or about to remove.
" 38. Garnishment. Of executors and administrators.
" 39. Fees of Sheriffs. For arresting under warrant from the Executive, and delivering fugitives from justice.
" 40. Mortgages. Publication of rule ni si for foreclosure of, on real estate in Chatham county.
" 41. Proceedings against tenants. Possessory warrants, how directed.
" 42. Tenants must give bond in double the rent, to arrest proceedings, or make oath of poverty.
" 43. Bond required.
" 44. Section 4792 amended.
" 45. Proceedings on ground that rent is due and unpaid.
" 46. Verdict and judgment.
" 47. Certain provisions to apply to all rentals of real estate in the State of Georgia.
" 48. Forcible Entry and Detainer. When Justice of the Peace may draw Jury from adjoining district.

(No. 11.)

An Act to repeal Paragraph 183 *of Part* 1*st, Title* 4*th, Chapter* 1*st of the Code of Georgia.*

1. SECTION I. *Be it enacted, &c.,* That Paragraph 183 of Part 1st,

Sec. 186 repealed.

Title 4th, Chapter 1st of the Code of Georgia be and the same is hereby repealed.

Approved 8th March, 1866.

NOTE.—Section 183 of the Code required that "the unfinished business of the first session of the same General Assembly must be the first business at the succeeding session, subject to the standing rules thereof."

(No. 12.)

An Act to repeal Section 285, excepting the 5th Clause thereof, and also to repeal the 1st, 2nd and 3rd Clauses of Section 287 of the 1st Article, 5th Title, 4th Chapter of the Code of Georgia.

Parts of Sec. 285 and 287 repealed.

2. SECTION I. *Be it enacted, &c.*, That Section 285, excepting the 5th Clause thereof, and also the 1st, 2nd and 3rd Clauses of Section 287, be and the same are hereby repealed.

SEC. II. Repeals conflicting laws.

Approved 17th March, 1866.

NOTE.—By first four Clauses of Section 285 of the Code, the Inferior Courts had authority—

1. To exercise jurisdiction concurrent with the Superior Court in all civil cases, except those respecting titles to land, and those requiring equity jurisdiction or equity proceedings.

2 To exercise concurrent jurisdiction with said Court likewise in changing names, legitimating persons, and granting certain incorporations, in establishing copies of lost documents, in compelling the production of books or other writings, and in other cases when in like manner conferred.

3. To exercise within their jurisdiction all the power and authority granted to the Superior Courts, and to be governed by the same rules whenever applicable.

4. To exercise jurisdiction in all cases or matters granted to them specially, and which do not by the Constitution belong to some other tribunal exclusively.

By 1st, 2nd and 3rd Clauses of Section 287. the Justices of the Inferior Court had authority:

1. To issue and determine on writs of *Habeas Corpus* in the absence of the Judge of the Superior Court.

2. To issue attachments returnable to the Superior, Inferior or Justices Courts, to grant orders for the foreclosure of mortgages on personal property, and for bail in actions *ex delicto*, and to hear and determine upon questions of possession of personal property.

3. To exercise separately the same powers in all criminal matters as are by law vested in Justices of the Peace, with the condition that in all capital cases, three must preside on the committing trial.

(No. 13.)

An Act to amend Section 349 of the Code of Georgia.

Requirement as to prior residence of Sol. Gen. repealed. Proviso.

3. SECTION I. *Be it enacted, &c.*, That so much of Section (349) three hundred and forty-nine of the Code of Georgia as requires the residence of Solicitors General one year prior to their election or appointment in the Judicial Circuit for which they are elected or appointed, be and the same is hereby repealed; *Provided*, that persons elected or appointed shall, at the time of their election or appointment, reside permanently in the Circuit for which they were elected or appointed.

SEC. II. Repeals conflicting laws.

Approved 23rd February, 1866.

NOTE.—Section 349 of the Code declared that no person is eligible to the office of Solicitor General who has not been a resident citizen of this State five years just preceding his election or appointment, who shall not have been an inhabitant of the Circuit in which he is to serve one year prior thereto, &c.

(No. 14.)

An Act to alter the Road Laws of this State, and to amend the 585th, 588th, 594th, 602nd and 604th Sections of the Code of Georgia.

4. SECTION I. *Be it enacted, &c.*, That from and immediately after the passage of this act, the 585th Section of the Code of Georgia shall be amended so as to read as follows, to-wit: "All male inhabitants, white and black, in this State, between the ages of sixteen and fifty years, are subject to work on the public roads, except such as are specially exempted."

Persons subject to do road duty.

5. SEC. II. Section 588 shall read as follows, to-wit: "The several managers or employers of male free persons of color shall, whenever required, furnish the overseers of the road district with a list in writing of those who are liable to work on the public roads, signed by them, under a penalty of paying three dollars for each male free person of color so liable to work on the public roads, and whose names are not so furnished, to be collected as fines for not working the road."

List of persons of color liable to do road duty to be furnished. Penalty for failure.

6. SEC. III. Section 594 shall read as follows: "Every individual liable to road duty, who, being duly summoned to work, shall neglect to obey such summons, and to carry the implements as ordered, or appearing with or without the implements, neglects or refuses faithfully to work, shall be fined not less than one, nor more than three dollars, for every day he or they shall fail to work, or be imprisoned at the discretion of the Commissioners."

Defaulters to be fined or imprisoned.

7. SEC. IV. Section 602 shall read as follows: "Such Commissioners must issue executions under their hands and seals, or their warrants of arrest, as the case may be, against all defaulters who fail to render a good excuse, directed to any lawful Constable, who shall levy and collect the same as executions issued from Justices Courts, or as the case may be, arrest the defaulter and bring him or them before the Commissioners to abide the judgment of the same."

Executions or warrants of arrest against defaulters.

8. SEC. V. Section 604 shall read as follows: "If Constables neglect their duty in collecting such fi fas, or fail to pay over the money, or fail to make such arrest and bring them before the Commissioners, they shall be subject to rule and suit at the instance of such Commissioners, as though the fi fas or warrants had issued from a Justices Court.

Constables may be ruled.

9. SEC. VI. That in all cases where executions may be issued against road hands in the employment of others, notice to the employer of the existence of said execution shall have the force and effect of a garnishment, and shall operate as a lien on wages due or to become due from said employer to said employee, and may be collected as in cases of garnishment.

Notice to employer to have force of garnishment.

SEC. VII. Repeals conflicting laws.

Approved 23rd February, 1866.

(No. 15.)

An Act to alter and amend paragraph twelve hundred and thirty-two (1232) of chapter second of the revised Code of Georgia.

10. SEC. I. *The General Assembly of the State of Georgia do enact*, That paragraph twelve hundred and thirty-two (1232) of chapter second, of the revised Code of Georgia, be so amended as to read as follows: "The day of holding the same is the first Wednesday in October 1861, and biennially thereafter; and the time of day for keeping open the elections is from seven o'clock A. M. to six o'clook P. M., at the Court House, and from eight A. M. to three o'clock P. M., at the precincts.

Election first Wednesday in October.

Hours for keeping open.

Approved 16th February, 1866.

The only change made by this Act in sec. 1232, is the substitution of three o'clock P. M. for five o'clock P. M. at the precincts.

(No. 16.)

An Act to alter and amend section 1290 of the Code of Georgia.

11. SEC. I. *Be it enacted, &c.*, That the two last clauses, after the word "departments" be stricken off, and the following be inserted in lieu thereof: "Embracing the amount of each kind of provisions, drugs, clothing and bedding purchased, of whom purchased, price paid, and aggregate costs; number of persons received, died, and discharged, dates of reception, discharge, and death, male and female, pauper and pay patients, partial pay if any. And also, whether payment was made in clothing, provisions or currency."

What to be embraced in report of Trustees of Lunatic Asylum.

12. SEC. II. That the Superintendent shall account for all his expenditures on vouchers in the same form as those which are made in accounting for disbursements in the Commissary department of the United States.

Form of acct. of expenditures, &c.

SEC. III. Repeals conflicting laws.

Approved 12th March, 1866.

NOTE.—Sections 1285, to 1314 inclusive, of the Code, relate to the Lunatic Asylum.
Section 1290 provides, that,
"At the close of each fiscal year, which terminates on the first day of October, the Trustees shall make to the Governor, to be by him laid before the General Assembly, in connection with his annual message, a full report of the condition of the Asylum, in all its departments," embracing the amount, &c.

(No. 17.)

An Act to alter and amend section 1307 of 3d article of the Code of Georgia.

13. SEC. I. *Be it enacted, &c.*, That section (1307) thirteen hundred and seven of article (3d) third, be altered and amended, by striking out, after the word "others" in the third line of the above recited section, the words "nor detained against their consent in the institution. Where consent is necessary, they must be capable

of consenting"; and amended. by inserting the words, "but shall be subject to the control of the Superintendent, as other patients, until discharged." Inebriates to be controlled as other patients.

SEC. II. Repeals conflicting laws.

Approved 12th March, 1866.

Sec. 1307 of the Code, relates to inebriates received into the Lunatic Asylum.

(No. 18.)

An Act to alter and amend sections 1338, 1339, 1340, 1341, 1343, 1351, *and* 1353, *chapter* 4*th, of the Code of Georgia.*

14. SEC. I. *Be it enacted, &c.*, That the words "Confederate States", in section 1338, chapter 4th, of the Code of Georgia, be stricken out and the words "State of Georgia" be inserted in lieu thereof. Sec. 1338 amended.

Also, that the words "such place in this State as a majority may select", in 1st clause, section 1339 of said Code, be stricken out and the words "the seat of Government", be inserted in lieu thereof. Section 1339.

Also, that the 1st clause of section 1340 of the Code aforesaid, be altered and amended, by striking out in said clause, all the words after the word "physicians," and inserting in lieu thereof the words "of their schools who present their diplomas from incorporated Medical Colleges of Georgia, without examination." Section 1340.

Also, that Section 1341 of said Code be altered by striking out in second line the words "who has a diploma." Section 1341.

Also, that the 1343rd Section of said Code be altered and amended by striking out at the beginning of said Section the word "seven," and inserting in lieu thereof the word "four." Section 1343.

Also, that section 1351 of said Code be altered and amended by striking out all between the words "State" and "without," and inserting in lieu thereof the words "shall open or keep a drug or apothecary store," and striking out in fourth line the words "one of said Board" and inserting in lieu thereof the words "the Medical Board of his own school." Section 1351

15. SEC. II. That licenses shall be recorded in the office of the Clerk of the Inferior Court, and the Clerk is required to keep a list of the names of the persons licensed, in a conspicuous place in his office, for which the Clerk shall receive one dollar ($1.00) fee for each license so recorded. Licenses to be recorded. Clerk to keep list posted.

SEC. III. Repeals conflicting laws.

Approved 17th March, 1866.

NOTE.—By above amendment to sec. 1338 of the Code, any white person who has received a diploma from any Medical College of the State of Georgia, without regard to the school, is authorized to practice medicine.

By amendment to sec. 1339, the Board of Physicians of the Allopathic School, have the authority to meet annually, or oftener, at the call of any three of their number, at the seat of government.

The words in 1st clause of sec. 1340, preceding the words stricken out, are "to grant licenses to practice, to all Physicians".

By sec. 1341, as amended, one member of said Board, may grant a temporary license, to practice, to an applicant, without a diploma.

Sec. 1343 relates to a quorum of the Board.

Sec. 1351 as amended, provides, that "no person in this State shall open or keep a drug or apothecary store, without first obtaining a license therefor, from the Medical Board of his own school.

(No, 19.)

An Act to amend the 1350th section of the Code of Georgia.

Section 1350 amended.

16. SEC. I. *Be it enacted, &c.*, That after the words "December 1847", said section be amended, by adding the following, to-wit: "or were in practice under legal diploma, or license, on the first day of January 1863".

Act to take effect on its passage.

SEC. II. That this act shall take effect immediately after its passage, and that all laws militating against this act, be, and the same are hereby repealed.

Approved 9th March, 1866.

By section 1350 as amended, Physicians who were in practice prior to the 24th Dec. 1847, or were in practice under legal diploma or license, on the first day of Jan. 1863, are exempt from all the provisions of the chapter.

(No 20.)

An Act to alter and amend the tenth paragraph of the second article, part first, title sixteenth, chapter fifth, of the Code of Georgia.

Inspector of Timber

When guilty of misdemeanor. Penalty.

17. SEC. I. *Be it enacted, &c.*, That after the passage of this act, the tenth paragraph, of the second article, part first, title sixteenth, chapter fifth, of the Code of Georgia, be so altered as to read as follows: "That if any inspector or measurer of timber shall fail, neglect or refuse, to measure timber, as is now prescribed by law, the said inspector or measurer shall be guilty of misdemeanor, and on conviction be subject to a fine of five hundred dollars, and imprisonment in the common jail of the county, for the term of three months."

SEC. II. Repeals conflicting laws.

Approved 1st February, 1866.

(No. 21.)

An Act to suspend the operation of Section fifteen hundred and twenty-eight, of the Code of Georgia, in certain Counties.

In Counties having no standards of weights, &c.

Application to the Gov'r.

18. SEC. I. *The General Assembly of the State of Georgia do enact*, That Section fifteen hundred and twenty-eight of the Code of Georgia shall be suspended in those Counties which have no standards of weights and measures, until such standards shall be supplied as now provided by law; *Provided*, that said Counties claiming the benefit of this Act, shall first have made application to the Governor to procure standards of weights and measures as provided for in Section 1530 of the Code.

SEC. II. Repeals conflicting laws.

Approved 1st February, 1866.

NOTE.—The following is the Section suspended by this Act:

"Sec. 1528. All persons engaged in selling by weights and measures, shall apply to the Clerk of the Inferior Court of their respective County, and have their weights and measures so marked, and in default thereof, shall not collect any account, note, or other writings, the consideration of which is any commodity sold by their weights or measures."

(No. 22.)

An Act to add an additional clause to the 1540th Section of Article 2nd, Chapter 7th, part 1st, Title 16th, of the Code of Georgia.

19. SEC. I. *Be it enacted, &c.*, That the said Section shall be amended by adding the following clause:

"And whenever the owner of any land in this State shall refuse to extend any drain or ditch through the same, that may be dug to the line of his lot by the owner or occupant of adjoining land, then the said adjoining owner or occupant shall be privileged to extend his drain at his own expense, through any such lands, to a proper outlet, and if his land shall be injured, or decreased in value, by reason of said draining, then he shall receive full compensation from the person so draining, for the injury done. The question of such injury, in value, may be submitted, on request of either party, and notice given, to three disinterested freeholders, to be chosen by the Inferior Court of said County, and they shall make an award upon the same rules and regulations as are now provided by law, touching arbitrations and awards; *Provided*, said awards shall be made, and just compensation paid, before the drain or ditch is commenced.

Owner refusing to extend drain or ditch.

Adjoining owner may have it done.

Compensation to be made.

Award of Proviso.

SEC. II. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 23.)

An Act to alter and amend the 1629th Section of the Code, to strike out the 3rd provision of said Section, and to add additional provisions thereto, and to repeal Section 1630 and 1631, of the Code.

20. SEC. I. *Be it enacted, &c.*, That from and after the passage of this Act, the words "Inferior Court," shall be stricken out of the second line of the first provision of the 1629th Section. That the word "fourteen" be stricken out of the fifth line of the 2nd provision of the 1629th Section, and the word "twenty," inserted in lieu thereof.

Inferior Court' stricken out.

Twenty years instead of fourteen.

21. SEC. II. That all of the third provision of Section 1629th, of the Code, be stricken out, and the following additional provision be added in lieu thereof:

"No corporation created under this Act shall commence to exercise the privileges conferred by the Charter, until ten per cent. of the capital stock is paid in, and no Charter shall have any force or effect for a longer period than two years, unless the Corporators, within that time, shall, in good faith, commence to exercise the powers granted by such Act of Incorporation; and in case of the failure of said Corporation, the Stockholders shall be bound in their private capacity, to any creditor of said Corparation, for the amount of stock subscribed for by him, until the said subscription is fully paid up, or until the Stockholder shall have paid, out of

Ten per cent. of capital stock to be paid in.

Corporators must commence exercise of grant in two years.

Liability of stockholders.

his private property, debts of the said Corporation to an amount equal to his unpaid subscription.

Declaration by applicants specifying what,

22. SEC. III. That provision 2nd, of Section 1629, be so amended as to require a declaration, by the applicants, specifying the objects of their Association, and the particular business they propose to carry on, together with their corporate name, and the amount of capital to be employed by them, actually paid in, and place of doing business, and the time, not exceeding twenty years, for which they desire to be incorporated, which said declaration shall be filed in the office of the Clerk of the Snperior Court of the County where the business is proposed to be transacted, to be by him recorded, and shall also be published once a week for one month, in the nearest public gazette to the point where such business is located, before said Court shall pass an order declaring said application granted.

To be filed.

Record and publicati'n of,

Secs. 1630 & 1631 repealed.

23. SEC. IV. That Sections 1630 and 1631 of the Code, be, and they are hereby repealed, and stricken out.

SEC. V. Repeals conflicting laws.

Approved 17th March, 1866.

(No. 24.)

An Act to repeal so much of the 1655th Section of the Code of Georgia, as prohibits the marriage of persons within the fourth degree of consanguinity.

Prohibition repealed.

24. SEC. I. *Be it enacted, &c.*. That so much of the 1655th Section of the revised Code of Georgia as prohibits the marriage of persons within the fourth degree of consanguinity be, and the same is hereby repealed.

SEC. II. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 25.)

An Act to to amend Sections seventeen hundred and seventy-five, and seventeen hundred and seventy-six, of the new Code of Georgia, relative to orphans.

25. SEC. I. *Be it enacted, &c.*, That Section seventeen hundred and seventy-five, of the Code of Georgia, be and is hereby amended so that the last line thereof shall read "for the maintenance and education of the ward." And that Section seventeen hundred and seventy-six, shall read as follows: "If the annual profits of the estate of any orphan, with or without a guardian, are not sufficient for his or her education and maintenance, and the Ordinary shall not, as allowed by Section seventeen hundred and seventy-five, allow the corpus of the estate to be used for such education and maintenance, then it shall be the duty of the Ordinary forthwith to bind, &c., &c.," which amendment is to take the place of the

Maintenance and educat'n.

Binding out orphans.

three first lines of said Section seventeen hundred and seventy-six, and the rest of said section to remain as it now is.

Approved 23rd February, 1866.

(No. 26.)

An Act to alter and amend the first number of Section 1954, 2nd Article, Part 2nd, Title 3rd, Chapter 2nd of the Code of Georgia.

26. SECTION I. *Be it enacted, &c.*, That from and after the passage of this Act, the first number of Section 1954 of said Article be and the same is hereby repealed, and that in lieu thereof it is enacted as follows: "Every assignment or transfer by a debtor, insolvent at the time, of real or personal property or choses in action of any description to any person, either in trust or for the benefit of, or in behalf of creditors, where any trust or benefit is reserved to the assignor or any person for him."

Assignment in trust by insolvent debtor, void, when.

Approved 24th February, 1866.

(No. 27.

An Act to amend Part 2nd, Title 3rd, Chapter 2nd, Article 4th, Section 3rd of the Code of Georgia.

27. SECTION I. *The General Assembly do enact*, That the exemptions and protections contained in Part 2nd, Title 3rd, Art. 4th, Section 3rd of the Code of Georgia be and the same are hereby extended to intestate insolvent estates, in all cases wherein there is a widow or child or children of the deceased interested (intestate?) living.

Exemptions, &c., extended to intestate insolvent estates.

28. SEC. II. That Section 2021 be so amended as to read "for the use of the wife or widow, and at her death or intermarriage, to be equally divided between the children of her former marriage then living."

Sec. 2021 amended.

Approved 8th March, 1866.

(No. 28.)

An Act to alter and amend Part 2nd, Title 6th, Chapter 2, Section 2416 of the Code of Georgia.

29. SECTION I. *Be it enacted, &c.*, That Part 2nd, Title 6th, Chapter 2nd, Section 2416, be so altered and amended as to insert

Sec. 2416 of Code amended. after the word "dismission" on the first line of said Section on page 462, the words "of resigning their trusts."

SEC. II. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 29.)

An Act supplemental to and explanatory of the 2462nd Section of the Code of Georgia in relation to the administration of unrepresented estates, and to add additional Sections thereto.

Preamble. WHEREAS, The 2462nd Section of the Code of Georgia declares that, if from any cause an estate be unrepresented, and not likely to be represented, the Ordinary may vest the administration in the Clerk of the Superior or Inferior Court of the County, or any other person whom he may deem fit and proper, a citation being first published for thirty days as in other cases; *And whereas*, different constructions are entertained as to the requirement of bond and security by this Section, for remedy whereof,

Estates unrepresented. 30. SECTION I. *Be it enacted, &c.*, That if from any cause an estate be unrepresented, and not likely to be represented, upon its being made to appear to the Ordinary that neither the person entitled to administration on the estate, nor any other person can be found to give the security required by law, and that great injury is likely to occur to said estate for want of administration, that then and in such cases the Ordinary shall vest the administration in the Clerk of the Superior or Inferior Court of the County, or any other person whom he may deem fit and proper, such person or persons giving their own bond in such amount as the Ordinary may deem adequate for the faithful administration of the estate; *Provided*, that in all such cases where administration is granted without security, and it shall become necessary to sue the bond, the interest of all minors interested shall be satisfied, until the claim of said minors is fully paid off and discharged, although it may be to the exclusion of all parties capable of giving their consent when said administration may have been granted.

Ordinary to vest administration in Clerk or other person.

Bond.

Proviso.

31. SEC. II. The discretion vested in the Ordinary by the 1st Section of this Act, in determining to whom administration shall be granted, shall be exercised in accordance with the rules laid down in the 2461st Section of the Code of Georgia; *Provided*, that in all cases the natural guardians of minors interested in the estate shall have the right to take administration jointly with the person appointed, or alone if no other person is selected, and in case no person can be found to take the administration, that then and in such case the Ordinary may vest the administration in the Clerk.

Rules in Sec. 2461 to govern Ordinary. Proviso.

32. SEC. III. That whenever, under the citation required by the Act to which this Act is an amendment, any person entitled

to administration under the rules set forth in the 2461st Section, shall offer the Ordinary good and sufficient security as required under the 2468th Section of the Code, such person, although not entitled to the administration by priority under the rules for granting letters, such person so offering security shall nevertheless be entitled to the administration by reason of his ability to give security, in preference to any other person, who, by the rules laid down for granting letters of administration, would have had priority in the administration of said estate.

Ordinary to give preference to person offering good security.

Approved 10th March, 1866.

(No. 30.)

An Act to amend an Act assented to December the 12th, 1863, amendatory of Section 2480 of the revised Code of Georgia.

33. SECTION I. *Be it enacted, &c.*, That the before recited Act be amended so as to read as follows: "That it shall be the duty of all administrators to appraise all land or other real estate lying and being in the County in which such administration may be had."

Admr. to appraise all real estate in the County.

34. SEC. II. That it shall be the duty of all administrators to return, under oath with such appraisement so far as may come to their knowledge, all land or other real estate lying without the County in which such administration may be had.

To return real estate lying without Co.

Sec. III. Repeals conflicting laws.

Approved 12th March, 1866.

NOTE.—The 1st Clause of Section 2480 required administrators to make an inventory and appraisement of personal property only. The Act of Dec. 20th, 1863, added "real estate," making the clause read "all the real estate and personal property."

(No. 31.)

An Act to add an additional Clause to the 2531st Section of the Code.

35. SEC. I. *Be it enacted, &c.*, That where an estate is to be kept together for a longer period than twelve months, and there are no debts to be paid, and a widow and minor children to be supported out of said estate, the appraisers appointed by the Ordinary, or a majority of them, to set apart and assign a year's support for said widow and minor children for the first year, may act in the same capacity for any subsequent year, so long as said estate may be kept together; or, the Ordinary may appoint other appraisers to set apart and assign a year's support for each year that said estate may be kept together, under the same rules and regulations as are provided for setting apart and assigning the first year's support.

Where an estate is to be kept together appraisers appointed to set apart years support may act for subsequent years.

Ordinary may appoint others.

Approved 9th March, 1866.

(No. 32.)

An Act to repeal the two thousand, six hundred and thirty-fifth, (2635th,) Section of the Code, and to substitute another in lieu thereof.

36. SEC. I. *The General Assembly of the State of Georgia do enact*, That the two thousand six hundred and thirty-fifth Section of the Code, be, and the same is hereby repealed, and that the following be substituted in lieu thereof:

Alien may hold lands. Conditions.

SEC. II. "Any alien may be permitted to acquire title to, and hold lands, within this State, upon taking an oath in writing, to be filed in the Clerk's office of the Superior Court of the County in which the land lies, that it is his intention, *bona fide*, to improve the same; and if said alien shall fail, or neglect, within one year after the purchase aforesaid, to begin such improvement, said land shall become subject to an annual tax of fifty cents (50) per acre, for each and every acre so held by him; and on failure to pay the same, it shall be the duty of the Tax Collector of said County, to set up and expose to sale, so much of said land as may be necessary to pay such tax, having first given sixty days notice of the time and place of sale, in one or more of the public gazettes of this State; the overplus, if any there be, after the payment of the tax aforesaid and costs accruing thereon, to be deposited with the Justices of the Inferior Court of said County, to be applied to educational purposes, if not called for by the owner thereof within two years after such sale; *Provided*, That no alien shall hold or purchase more than one hundred and sixty acres of land, until he has declared, on oath, his intention to become a citizen.

Failing to improve. Tax.

Tax, how collected.

Overplus from sale of lands.

Proviso.

Approved 17th March, 1866.

(No. 33.)

An Act to amend Section three thousand three hundred and twenty, of the Code of Georgia.

37. SEC. I. *Be it enacted, &c.*, That from and after the passage of this Act, Section three thousand three hundred and twenty, of the Code of Georgia be so amended as to add after the words "part thereof," in the fifth line of said Section, the words "when the defendant is removing, or about to remove, beyond the limits of the County, or."

Defendant removing or about to remove.

SEC. II. Repeals conflicting laws.

Approved 21st February, 1866.

NOTE.—Sec. 3320, as amended by this Act, is as follows:

"In all cases where bail is requirable, and is required by the Plaintiff, except as hereinafter provided, such plaintiff, his agent or attorney, shall make affidavit of the amount claimed by him, and that he has reason to apprehend the loss of said sum, or some part thereof, when the defendant is removing, or about to remove, beyond the limits of the County, or by reason of the fraud of the defendant, or his non-residence, if the defendant is not held to bail, which affidavit shall be filed in the Clerk's office, and copies thereof affixed to the original petition and process, and to the copy thereof, and the amount sworn to shall be endorsed on the said petition and process."

(No. 34.)

An Act to amend Section thirty-four hundred and seventy-eight (§ 3478) of the Code of Georgia.

38. SEC. I. *Be it enacted, &c.*, That from and after the passage of this Act, Section thirty-four hundred and seventy-eight (§ 3478) of the Code of Georgia, be and is hereby so amended as to insert after the words "distributive share," in the second line of said Section, the words "or for any debt or demand, owing by said estate, to any other person."

Garnishment of Exrs. & Admrs.

SEC. II. Repeals all conflicting laws.

Approved 8th March, 1866.

NOTE.—Sec. 3478 provided that garnishment may be issued against an Executor or Administrator for a legacy, or distributive share.

(No. 35.)

An Act to add an additional clause to Section 3621 of the Code of Georgia.

39. SEC. I. *Be it enacted, &c.*, That from and after the passage of this Act, when any fugitive from justice, from a foreign State, shall be arrested and delivered up to the proper officers of said State, by any Sheriff, Deputy Sheriff, Constable, or Coroner of this State, under warrant from the Executive of this State, upon demand made of him by the Executives of such other States, in the manner prescribed by the laws and Constitution of the United States, that said Sheriff, Deputy Sheriff, Constable, or Coroner, shall be entitled to receive and collect the following fees, which fees shall be paid by the officer or officers of the State, appointed to receive said fugitives from justice, before release and delivery of the said fugitives from justice by the said officers of this State, as aforesaid:

Fees of Sheriffs, &c., for arresting under warrant from Executive, and delivering fugitives from justice.

For executing and returning warrant, two dollars; for every mile a prisoner may be removed under an executive warrant, twenty-five cents.

SEC. II. Repeals conflicting laws.

Approved 17th March, 1866.

(No. 36.)

An Act to amend the three thousand eight hundred and sixty-sixth Section of the Code of Georgia, so far as the same relates to the County of Chatham.

WHEREAS, In and by said Section of the Code of Georgia, the

rule nisi upon foreclosure of mortgage on real estate, is required to be published once a month for four months, to effect service on non-resident mortgagors; and *whereas*, it frequently happens that the period of time between the first day of the January Term, and the first day of the May Term, of the Superior Court of said County of Chatham, is less than four months, whereby in cases of foreclosure, parties plaintiff are sometimes deprived of their legal remedies;

Preamble.

40. SEC. I. *Be it therefore enacted, &c.*, That the said three thousand eight hundred and sixty-sixth Section of the Code of Georgia, be so amended as to require publication only once a month for three months, of all *rules nisi* upon the foreclosure of mortgages on real estate. taken and passed at the January Term of said Superior Court of Chatham County, in order to effect service on the defendant or the mortgagor.

Publication of Rules Nisi for foreclosure of mortgage Chatham Co.

Approved 5th March, 1866.

(No. 37.)

An Act to amend the 3984*th and* 3985*th Sections of the Code of Georgia.*

41. SEC. I. *Be it enacted, &c.*, That the 3984th Section of the Code of this State be amended so as to permit the warrant to be directed to the Sheriff, or his Deputy, or any lawful Constable, either of which officers shall be permitted to enforce the same.

Warrants—how directed.

42. SEC. II. That in addition to the oath prescribed by Section 3985 of the Code, the tenant, before he can retain possession of the premises, shall be required to give bond and security, payable to the owner, and to be approved of by the Sheriff, or Constable, conditioned for paying double the rent reserved, or to be due, if the proceedings in the Superior Court shall be determined against him, or make oath, that owing to his or her poverty, he or she is unable to give security, and the security on such bonds shall be liable as in cases of appeal.

To arrest proceedings. Tenant to give bond.

Or make oath of poverty.

Approved 19th February, 1866.

NOTE.—Section 3984, before amendment by this Act, required the warrant to be "directed to the Sheriff of the County where the land lies, or his Deputy."

Section 3985 only required a counter-affidavit of the tenant holding over, for arresting proceedings under possessory warrant. This Act requires him also to give bond, &c.

(No. 38.)

An Act to amend and add to the 3985*th Section of the Code of Georgia.*

43. SEC. I. *Be it enacted, &c.*, That the 3985th Section of the Code of Georgia be and the same is hereby amended by adding to said Section the following words:

"*Provided*, such tenant shall, at the same time, tender a bond, with good security, payable to the landlord, for the payment of such sum, with costs, as may be recovered against him, on the trial of the case. Tenant must tender bond.

SEC. II. Repeals conflicting laws.

Approved 15th February, 1866.

NOTE.—Section 3985 of the Code is as follows:

"The tenant may arrest the proceedings, and prevent the removal of himself and goods from the land, by declaring, on oath, that his lease or term of rent has not expired, and that he is not holding possession of the premises over and beyond his term; or that he does not hold the premises, either by lease, or rent, or at will, or by sufferance, or otherwise, from the person who made the affidavit on which the warrant issued, or from any one under whom he claims the premises, or from any one claiming the premises under him. Provided, such tenant," &c

(No. 39.)

An Act to amend the 4792nd and 4793rd Sections of the Code of Georgia, and for other purposes.

44. SEC. I. *Be it enacted, &c.*, That the word "and" in the third line of Section 4792, of the Code of this State, shall be changed to "or," so that the line shall read "pay the rent when the same shall become due, or shall refuse." Sec. 4792 amended.

45. SEC. II. That when the landlord shall seek to remove the tenant on the ground that the rent is due, and remains unpaid, the tenant may make affidavit that the rent claimed is not due, and bond shall be taken, and other proceedings in like manner as when the tenant shall declare on oath that the lease has not expired. Proceedings against tenant on ground that rent is due and unpaid.

46. SEC. III. That when the Jury shall find against the tenant, and assess the amount of double rent, the plaintiff may enter up judgment at once, against such tenant, and his security on the bond, in the same manner that judgment may now be entered up against the principal and his security upon appeal. Verdict and judgment.

47. SEC. IV. That the provisions of the Act, to which this is an amendment, shall apply to all rentals of real estate in the State of Georgia, and the processes and proceedings required by this Act may be had before any Judicial or Ministerial officer in this State having jurisdiction of the subject matter. Act to apply to all rentals of real estate in Georgia.

SEC. V. Repeals conflicting laws.

Approved 10th March, 1866.

NOTE.—Sections 4792 and 4793 are in that portion of the Code having reference to the city of Savannah, but by Section fourth of the foregoing Act, it is declared, that certain provisions shall apply to all rentals of real estate in the State of Georgia.

(No. 40.)

An Act to amend the 3988th Section of the Code.

48. SEC. I. *Be it enacted, &c.*, That the 3988th Section of the Code be so amended as to allow the Justice of the Peace, or Jus-

Where J. P. may draw jury from adjoining district in case of forcible entry and detainer.

tices of the Peace, to draw a Jury from an adjoining District in the County, in case of any entry into lands or tenements, or any forcible detainer of the same, when a Jury cannot be obtained in the District in which the land lies.

SEC. II. Repeals conflicting laws.

Approved 17th March, 1866.

TITLE VI.

CONGRESSIONAL DISTRICTS.

Sec. 1. Schley county changed to the 2nd Dist. | Sec. 2. Scriven county added to 5th District.

(No. 41.)

An Act to alter the Second and Third Congressional Districts of the State of Georgia.

Schley county changed to 2nd District.

1. SECTION I. *Be it enacted*, That the second and third Congressional Districts of the State of Georgia be so changed as to take the county of Schley from the third, and add the same to the second.

SEC II. Repeals conflicting laws.

Approved February 15th, 1866.

(No. 42.)

An Act to change the County of Scriven from the First Congressional District to the Fifth Congressional District.

Scriven Co. added to 5th Congressional District.

2. SECTION I. *The General Assembly of the State of Georgia do enact*, From and after the passage of this Act, that the county of Scriven be, and the same is hereby changed and transferred from the first Congressional District of this State to the fifth Congressional District, and shall hereafter constitute and form a part of the said fifth Congressional District.

SEC. II. Repeals conflicting laws.

Approved 7th March, 1866.

TITLE VII.

CONVICTS.

Sec. 1. Convicts sentenced to labor on Public Works to be turned over to Justices of Inferior Courts; how worked and guarded; provision for safe keeping; support and employment; may be bound out to contractors on Public Works.
" 2. In certain cases Inferior Courts to turn over Convicts to Governor; guard to be sent for them.
Sec. 3. To be employed on W. & A. Railroad, or other public works.
" 4. Governor to provide for safe keeping.
" 5. To appoint a general Superintendent of; his duties and powers.

(No. 43.)

An Act to regulate the manner of Convicts laboring upon public Works, and to define the powers and duties of the Inferior Court, and Governor of the State, touching the same, and for other purposes therein mentioned.

1. SECTION I. *The General Assembly of this State do enact*, That from and after the passage of this Act, in all cases where persons are sentenced by any Judge of this State to labor on the public works, or on the public roads, it shall be the duty of the Judge pronouncing the sentence to cause said convicts to be turned over to the Justices of the Inferior Court, of the county where the conviction is had, and it shall be the duty of said Justices to receive said convicts, place them in proper custody, and keep them diligently employed upon such public works in the county, in chain gangs, or otherwise, and under such guards as they, in their judgment, may deem best.

Convicts sentenced to labor on public works to be turned over to Justices of Infr. Court.

How worked and guarded.

The said Justices shall have power to provide suitable places for their safe keeping; shall also have power to make provisions for their support by the county, and employ such guard or guards as may be necessary for their safe keeping, and for their constant and diligent employment upon the public works, and shall also have power to hire out, or bind out, such convicts to contractors on the public works, upon such bonds and restrictions as shall subserve the ends of justice.

Provision for safe keeping, support and employment.

May be bound out to contractors on public works.

2. SEC. II. Where there are no public works in the county upon which convicts can be profitably employed, or where the Justices of the Inferior Court of any county prefer not to take charge of convicts for labor on works in the county, then, and in such cases, it shall be the duty of the Justices of the Inferior Court to turn over convicts to the Governor of the State, to be employed by him upon such public works in the State as he may deem best. And upon notice being given to the Governor, by said Justices, of their desire to turn over such convicts, the Governor shall immediately send a guard for them.

In certain cases, Inferior Courts to turn over Convicts to Governor.

Upon notice guard to be sent for them.

Such Convicts to be employed on W. & A. Railroad or other works.

3. SEC. III. All convicts sentenced to labor on public works, and turned over to the Governor, shall be diligenty employed by him at labor upon the Western & Atlantic Railroad, or upon such other public works, or improvements, as he may judge to the best interest of the State, and as shall best subserve the ends of justice.

Governor to provide for safe keeping of.

4. SEC. IV. The Governor shall have power to employ such guards, and provide such places for the safe keeping of such convicts, as he may deem proper.

To appoint a general Superintendent of.

5. SEC. V. The Governor shall also have power to appoint a general Superintendent of such convicts, at a salary of one thousand dollars, removable at the pleasure of the Governor, and said Superintendent, under the advice and direction of the Governor, shall have entire control and management of all convicts thus sentenced to labor on public works, and shall have power to make all needful rules and regulations touching their employment, government and safe keeping.

His duties and powers.

SEC. VI. Repeals conflicting laws.

Approved 20th March, 1866.

TITLE VIII.

COUNTY OFFICERS.

SEC. 1. Sheriffs, &c., may make arrests for crime in any county.
" 2. Arresting officer to carry accused to county in which offence alleged to have been committed.
" 3. Warrant need not be endorsed.
" 4. Courts may order levying officer to cause certain cotton to be sold, that has been removed from his custody, out of the county or State. Judge may allow reasonable expenses.
SEC. 5. County sending prisoner to secure jail in adjoining county liable for fees.
" 6. Jailor not bound to receive prisoner from another county, unless fees paid in advance.
" 7. Tax may be levied to pay cost.
" 8. Act of 1863 fixing Ordinaries' fees, repealed fees allowed in addition to those specified in Code.
" 9. Ordinaries may administer oaths and charge fees for same.

(No. 44.)

An Act to authorize any Sheriff, Constable, or other arresting officer, of any county of this State, to arrest in any county wherever found, any person charged with crime, under a warrant issued by any Judicial officer of the State, and to carry the accused to the county in which the crime is alleged to have been committed, for examination.

Sheriffs, &c., may arrest in any county.

1. SEC. I. *Be it enacted, &c.,* That it shall be lawful for any Sheriff, Constable, or other arresting officer of this State, to arrest any person, charged with crime, under a warrant, issued by any Judicial officer of the State, in any county of the State, without regard to residence of said arresting officer.

2. SEC. II. That it is hereby made the duty of such arresting officer to carry said accused, with the warrant under which he was arrested, to the county in which the offence is alleged to have been committed, for examination before any Judicial officer of said county.

Arresting officer to carry accused to county in which offence was committed.

3. SEC. III. That it shall not be necessary to have any such warrant backed or endorsed by any Judicial officer, upon its being carried from one county to another.

Warrant need not be backed.

SEC. IV. That this act shall take effect, and be of force, from, and immediately after its passage, any law, or usage, or custom, to the contrary notwithstanding.

Approved 17th March, 1866.

(No. 45.)

An Act to authorize certain sales to be made in other counties in this State, than where such sales are now required by law, and when certain kinds of property have been removed out of the State, to authorize the sale of the same, in the State where it has been removed.

WHEREAS, It has been made to appear to the General Assembly, that quantities of cotton have been removed from the custody of Sheriffs, and which had been levied on by such Sheriffs, to other counties in this State, and beyond the jurisdiction of this State, by officers of the Treasury department, of the United States, upon some supposed claim, and after said removal the claim has been decided by said department, to be without foundation, and made subject to the orders of such Sheriffs; *and whereas*, the re-transportation of such cotton to the place of levy, would be burdensome and expensive to the parties in interest; for remedy whereof,

Preamble.

4. SEC. I. *The General Assembly of Georgia do enact*, That where it is made to appear to any Judge of the Superior Court that any cotton, after it has been in the custody of the Sheriff, or levying officer, by virtue of any levy, or under a decree of the Court, has been removed from the county in which the levy has been made, or decree rendered, or from the State, by authority of the United States, and where it appears that said authorities have relinquished their claims upon the same, it shall, and may be lawful for the Judge as aforesaid, in term time, or in vacation, to order and allow the Sheriff, or other officer, as the case may be, to cause such cotton to be sold, at private sale, in the State or county, to which it may have been removed, and it shall also be within the power of said Judge to allow such charges and expenses, as may seem to him to be reasonable and just, in the sale of the same, and in the execution of his orders; *provided*, that such Sheriffs, and other officers, may be ruled for the proceeds of said sales, and be subject to all the liabilities imposed by law, in cases where the sale was made in the proper county, except as to stays of execution.

Courts may order sale of cotton under certain circumstances by levying officer.

Empowers to allow such charges as may seem reasonable for sale.

SEC. II. Repeals conflicting laws.

Approved 8th March, 1866.

(No. 46.)

An Act requiring cost to be paid in advance in certain cases.

5. SEC. I. *The Senate and House of Representatives of the State of Georgia do enact*, That from and after the passage of this act, when there is no secure jail in any county of this State, and any person committing an offence in said county, shall be sent to jail in the nearest county having a secure jail; the county where the offence is committed, shall be primarily liable for jail fees and cost.

County sending prisoner to jail in adjoining county liable for fees.

6. SEC. II. That the county so primarily liable, shall pay said jail fees and cost, monthly, in advance, and no jailor shall be bound to receive a prisoner from another county, until jail fees and cost are provided for, as aforesaid.

Jailor not bound to receive prisoner from another county unless fees are paid in advance.

7. SEC. III. That for the purpose of raising funds to pay cost as aforesaid, the Inferior Court may levy and collect an additional tax for that purpose.

Tax to pay cost.

Approved 17th March, 1866.

(No. 47.)

An Act to repeal an Act entitled an Act to allow the Ordinaries of this State to charge and receive certain fees, assented to Dec. 14th, 1863, and to authorize them to charge, and receive, the following fees, in addition to those specified in the Code.

8. SEC. I. *The General Assembly of Georgia do enact*, That from and after the passage of this act, the before recited act, be, and the same is hereby repealed, and the Ordinaries of this State, be, and they are hereby allowed to charge, and receive, the following fees, in addition to the fees specified in the Code, to-wit:

Act of December 14th, 1863, repealed.

Fees allowed.

For signing probate of will or codicil,	$ 1.25
Each case litigated before the Ordinary, where no fees are prescribed,	3.00
Issuing commissions to examine witnesses,	1.25
Commission to have one year's support set apart to widow, minor or minors,	1.25
Recording the same,	1.00
Examining books and giving extract,	1.00
Every order passed where no fees are prescribed	50

Every service required and performed, for which no fees are specified by law, the same fees as are allowed Clerks of the Superior Courts, for similar services, or for a like amount of labor.

SEC. II. Repeals conflicting laws.

Approved 17th March, 1866.

(No. 48.)

An Act to authorize the several Ordinaries of this State to administer oaths and to receive compensation therefor.

9. SEC. I. *The General Assembly of the State of Georgia do enact,* That the several Ordinaries of this State, be, and they are hereby authorized to administer oaths, in all cases where the authority is not specially delegated to some other officer, and receive the same fees therefor, that are allowed Justices of the Peace.

Ordinary may administer oaths and charge fees for.

SEC. II. That this Act shall take effect from the date of its approval, and that all conflicting laws be, and the same are hereby repealed.

Approved 8th March, 1866.

TITLE IX.

COUNTY BONDS, TAXES, &c.

BARTOW CO. (No. 49, 50.)
Sec. 1. Inferior Court authorized to compromise bonds now due, issue new bonds for amounts, proviso.
" 2. County bonds authorized to pay jurors, build bridges. &c., proviso.
BULLOCH CO. (No 51.)
" 3. Inferior Court authorized to impose tax for building court house and bridges.
" 4. May issue bonds to obtain loans.
CLARK CO. (No. 52.)
" 5. Extra tax authorized, objects, proviso.
" 6. Inferior Court may issue bonds.
EARLY CO. (No. 53.)
" 7. Tax authorized to pay for provisions purchased for poor, &c.
ELBERT CO. (No. 54.)
" 8. Tax for county purposes authorized, objects.
" 9. How assessed and collected, compensation to collector, bond of.
" 10. Tax laws in 1860 to govern assessor and collector.
GREENE CO. (No. 55)
" 11. Extra tax authorized for building and repairing bridges.
HEARD CO. (No. 56.)
" 12. Tax may be levied to compensate for attention to cases of small-pox.
LIBERTY AND THOMAS COS. (No 57.)
Sec. 13. Tax authorized to pay indebtedness, for provisions purchased for soldiers families.
LUMPKIN CO. (No. 58)
" 14. Tax authorized for building jail, amount to be raised, Grand Jury to recommend, duty of tax collector, commissioners appointed, no compensation.
RANDOLPH CO. (No. 59)
" 16. Bonds authorized to pay for treatment of small-pox and other expenses; receivable for county dues.
RICHMOND CO. (No. 60.)
" 17. Extra tax authorized for county purposes.
SCRIVEN CO. (No. 61.)
" 18. Inferior Court may levy tax for support of widows and orphans of soldiers.
TERRELL CO. (No. 62)
" 19. Inferior Court may levy tax to compensate for attention to small-pox cases.
TWIGGS CO. (No. 63.)
" 20. Inferior Court authorized to borrow money to pay indebtedness.
" 21. Special tax authorized to repay loan.

(No. 49.)

An Act to authorize the Justices of the Inferior Court of Bartow County to settle or compromise the bonds of said County that are now due and unpaid, and to issue new bonds for the same.

WHEREAS, The Justices of the Inferior Court of the County of

Preamble.

Bartow issued, in accordance with law, the bonds of said County, on which they borrowed money to support the wives, widows, mothers and children of indigent soldiers, and other poor of the County, and some of said bonds are due and unpaid; and owing to the currency said Justices received for said bonds, justice requires that the whole amount apparently due thereon should not be paid; therefore,

Inferior Court authorized to compromise and settle bonds now due.

And issue new bonds.

Proviso.

1. SEC. I. *The General Assembly of the State of Georgia do enact*, That the Justices of the Inferior Court of the County of Bartow, or a majority of them, are hereby authorized to compromise and settle, according to equity and justice, the bonds now due and owing by said County, upon such terms as said Justices and the holders of said bonds may agree, and to issue new bonds for the amounts agreed on; *Provided*, that no bond shall be issued by said Justices for such purpose, to run for more than fifteen years, nor drawing more than legal interest. This act shall take effect from its passage.

SEC. II. Repeals conflicting laws.

Approved 23rd February, 1866.

(No. 50.)

An Act to authorize the Inferior Court of the County of Bartow to issue bonds to raise revenue for County purposes.

County bonds authorized.

Proceeds how applied.

Proviso.

2. SEC. I. *Be it enacted*, That the Justices of the Inferior Court of the County of Bartow are hereby authorized and empowered to issue and negotiate County bonds to an amount not exceeding five thousand dollars, the proceeds of which, when sold, shall be applied to such County purposes as the said Court may deem just and proper, to pay Jurors, to build bridges, and defray such other County expenses as may be necessary; *Provided*, however, that such bonds shall not be issued for a longer period than five years; *And Provided*, further, that such County tax shall be levied from year to year, after the expiration of this year, as will pay off and extinguish said bonds, and the interest thereon, by the time they mature and fall due. All laws militating are hereby repealed.

Approved 12th March, 1866.

(No. 51.)

An Act to authorize the Justices of the Inferior Court of the County of Bulloch to levy and collect an extra tax for the building of a Court House and bridges in said County, and for other purposes.

Tax authorized for building Court House and bridges.

3. SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That the Justices of the Inferior Court, or a majority of them, in the County of Bulloch, be authorized to impose and collect an extra tax on the State tax, not to exceed one hundred per cent., for the purpose of building a Court House and bridges in said County, for each and every year, so long as the Justices of the Inferior

Court aforesaid shall deem it absolutely necessary; the said tax to be collected and paid over in the same manner as is now authorized and required by law. The collector shall be allowed two per centum on the amount collected as his compensation.

4. SEC. II. That the Justices of the Inferior Court, as aforesaid, or a majority of them, be authorized, immediately upon the passage of this Act, to issue the bonds of the Inferior Court, bearing seven per cent. interest, to the amount of five thousand dollars, for the purpose of obtaining a loan on said bonds, to enable them to proceed at once with the building of a Court House and bridges aforesaid; said bonds to be signed by a majority of the members of the Inferior Court, countersigned by the Clerk of the Court, and to be made payable at any time fixed by the direction of the said Justices of the Inferior Court, within a period of five years, and the faith and credit of the County are hereby pledged to the redemption of the same. Inferior Court may issue bonds.

SEC. III. Repeals conflicting laws.

Approved 7th March, 1866.

(No. 52.)

An Act to authorize the Justices of the Inferior Court of Clarke County to raise money for certain purposes, by an extra tax, or by the issue of bonds.

5. SEC. I. *Be it enacted, &c.*, That the Justices of the Inferior Court of Clarke County be, and they are hereby authorized to levy and collect an extra tax, not to exceed one hundred per cent. upon the general State tax, for the purpose of defraying the expenses incurred by reason of the prevalence of the small pox, in said County, to build bridges, to purchase the toll bridge over the Oconee river at Athens, and for other necessary county expenses; *Provided*, that should no general tax be levied by the General Assembly for the year 1866, the said Justices are hereby authorized to levy and collect a tax not to exceed one eighth of one per cent. on the taxable property of said County. Inferior Court to levy extra tax. Objects. Proviso.

6. SEC. II. The Justices of the Inferior Court of Clarke County are hereby authorized, in order to raise money for the purposes indicated in this Act, to issue and sell the bonds of said County, in such amounts and having such a rate of interest as they may deem best, and the faith and credit of the County is hereby pledged for the payment of said bonds. Inferior Court may issue bonds.

SEC. III. Repeals conflicting laws.

Approved 7th March, 1866.

(No. 53.)

An Act to authorize the Justices of the Inferior Court of the County of Early, in this State, to levy and collect an extra tax, to pay for provisions heretofore purchased by them for the poor of said County, and for the use of disabled soldiers and their families.

Tax authorized to pay for provisions purchased for poor, &c.

7. SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That the Justices of the Inferior Court of said County have authority to levy and collect, in the manner now pointed out by law, an extra tax, sufficient in amount to pay for all provisions heretofore purchased, by them for the use of the poor, and disabled soldiers and soldiers families of said County.

SEC. II. That this Act shall take effect from and after its passage, and that all laws and parts of laws militating against this Act be, and the same are, hereby repealed.

Approved 23rd February, 1866.

(No. 54.)

An Act to authorize the Justices of the Inferior Court of Elbert County, Ga., to levy and collect a tax for County purposes.

Tax—amount and object of.

8. SEC. I. *Be it enacted*, That the Justices of the Inferior Court of Elbert County, or a majority of them, be authorized to levy and collect a tax for County purposes, sufficient in amount to pay for keeping the Asylum for the Poor for the year 1865, to pay Jury fees, and other County indebtedness, contracted since the 1st day of June, 1865, and to pay the current County expenses for 1866.

How assessed and collected.

Compensation for.

Bond.

9. SEC. II. That said Justices, or a majority of them, be authorized to have said tax assessed by the County Assessor, and collected by the County Collector, or they may appoint any other person or persons to assess and collect the same, allowing such compensation as in their judgment may be just and equitable, the said Assessor and Collector giving bond and security in double the sum to be collected, for the faithful performance of duty.

Tax laws in 1860 to govern assessor and collector.

10. SEC. III. That said Assessor and Collector shall be governed in the performance of their duties in assessing and collecting said tax, by the tax laws in force in 1860, except so far as the changed state of the negro may affect the same.

SEC. IV. Repeals conflicting laws.

Approved 9th February, 1866.

(No. 55.)

An Act to authorize the Inferior Court of Greene County to levy an extra tax for the purpose of building a bridge across the Oconee river, to repair the bridges in said County, and for other purposes.

11. SEC. I. *Be it enacted, &c.*, That the Inferior Court of Greene

County, upon the recommendation of the Grand Jury, be, and they are hereby authorized to levy an extra tax, of not more than one hundred per cent. upon the State tax, for the purpose of building a bridge across the Oconee river, for the repairing the bridges in the County, and for other purposes.

Extra tax authorised for building and repairing bridges.

SEC. II. Repeals conflicting laws.

Approved 5th March, 1866.

(No. 56.)

An Act to authorize the Justices of the Inferior Court of the County of Heard to levy and collect a tax, to compensate citizens for attention to cases of small pox in said County.

12. SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That from and after the passage of this Act, that the Justices of the Inferior Court of Heard County be, and they are, hereby authorized to levy and collect a tax in said County, to compensate P. G. Morrow, and others of said County, for their attention to cases of small-pox in said County; and said Justices are empowered to collect such tax in such an amount and at such times as they may deem proper and necessary.

Tax may levied to compensate for attention to cases of small pox.

SEC. II. Repeals conflicting laws.

Approved 16th February, 1866.

(No. 57.)

An Act to authorize the Inferior Court of Thomas County, and of the County of Liberty, to levy a tax for certain purposes..

WHEREAS, The Inferior Court of Thomas County, and of the County of Liberty, purchased provisions for the support of soldiers' families in the year eighteen hundred and sixty-five, before the surrender of our armies, which purchases were never paid; therefore,

Preamble.

13. SEC. I. *The General Assembly of Georgia do enact,* That the Inferior Court of Thomas County, and of the County of Liberty, are hereby authorized to levy a tax sufficient to pay the aforesaid indebtedness.

Tax authorised to pay indebtedness.

SEC. II. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 58.)

An Act to authorize the Inferior Court of the County of Lumpkin to levy an extra tax, for the purpose of building a Jail, upon the recommendation of the Grand Jury.

14. SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That the Inferior Court of the County of Lumpkin shall

be, and it is hereby, authorized and requ red to levy and have collected, (independent of any other County tax,) on the State tax, such a per cent. as will raise the sum of of seven hundred dollars for the year 1866, and the sum of eight hundred dollars for the year 1867, for the purpose, exclusively, of building a Jail in said County; *Provided*, the Grand Jury, empaneled at the February Term, 1866, of the Superior Court of said County, recommend that the above named tax for the year 1866, be levied and collected.

Tax authorized to build jail. Amount to be raised.

Grand Jury to recommend.

Duty of Tax Collector.

15. SEC. II. That it shall be the duty of the Tax Collector of said County to collect the tax levied under this Act, and pay over the same to A. G. Wimpey, Jas. L. Harris, J. C. Brittain, M. F. Whelchel and J. W. Woodward, or a majority of them, who are hereby constituted Commissioners for the purpose of receiving said fund, and having said Jail constructed, with full power, in conjunction with the Inferior Court of said County, to carry out the intention of this Act, and neither said Tax Collector, the County Treasurer, nor the Commissioners, shall receive any compensation for any services under this Act.

Commissioners.

No compensation.

Approved 15th February, 1866.

(No. 59.)

An Act to authorize the Justices of the Inferior Court of Randolph county to issue bonds to pay for treatment of small-pox, and for other expenses incurred by said Court, for county purposes.

16. SEC. I. *The General Assembly of the State of Georgia do enact*, That the Justices of the Inferior Court of Randolph county be, and they are hereby, authorized to issue three thousand dollars in bonds, of such denomination as said Court may deem proper, for the purpose of paying for the treatment of small-pox, and other expenses incurred by said Court, for county purposes. Said bonds so issued shall be receivable for all county dues.

Bonds authorized to pay for treatment of small pox and for county purposes. Receivable for county dues.

SEC. II. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 60.)

An Act to authorize the Inferior Court of Richmond county to levy an extra tax for county purposes.

17. SEC. I. *The General Assem ly of the State of Georgia do enact*, That the Justices of the Inferior Court of Richmond county are hereby authorized and empowered, upon the recommendation of the Grand Jury of said county, to levy an extra tax upon the citizens of said county, not to exceed one hundred per cent. upon the State tax; the same to be applied to county purposes.

Extra tax authorized for County purposes.

SEC. II. Repeals conflicting laws.

Approved 8th March, 1866.

(No. 61.)

An Act to authorize the Justices of the Inferior Court of Scriven county to levy a tax for the support of the widows and orphans of deceased or disabled soldiers of said county.

18. SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That the Justices of the Inferior Court of the county of Scriven are hereby authorized to levy an additional tax on the State tax of 1866, of said county, sufficient for the support of the widows and orphans of deceased or disabled soldiers of said county.

Inferior Court authorized to levy tax for support of widows and orphans of soldiers.

SEC. II. Repeals conflicting laws.

Approved 21st February, 1866.

(No. 62.)

An Act to authorize the Justices of the Inferior Court of Terrell county to levy and collect a tax to compensate citizens for attention in cases of small-pox in said county.

19. SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That from and after the passage of this Act, the Justices of the Inferior Court of the county of Terrell be, and they are hereby, authorized to levy and collect a tax in said county, to compensate Dr. C. A. Cheatham for his attention to cases of small-pox in said county, and said Justices of the Inferior Court of said county of Terrell be, and they are hereby, empowered to collect such tax and in such an amount and at such times as they may deem proper and necessary.

Inferior Court may levy tax to compensate for attention to small pox cases.

SEC. II. Repeals conflicting laws.

Approved 5th March, 1866.

(No. 63.)

An Act to authorize the Inferior Court of the county of Twiggs to borrow money to pay the indebtedness, and for other purposes, of said county.

20. SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That the county of Twiggs, by and through the Justices of the Inferior Court of the county of Twiggs, are hereby authorized and permitted to contract for the loan of, and borrow the sum of ten thousand dollars, to pay the indebtedness, and for other purposes, of said county.

Inferior Court authorized to borrow money.

21. SEC. II. That the money so borrowed shall be repaid by taxation, and the Inferior Court of said county is hereby authorized to levy a special tax, if necessary, to pay the sum so borrowed.

Special tax authorized repay loan.

SEC. III. Repeals conflicting laws.

Approved 23rd February, 1866.

TITLE X.

COUNTY LINES.

Sec. 1. Residence of L. Worthy changed from Crawford to Upson.
" 2. Lot 246 changed from Dooly to Pulaski.
" 3. Lot 220 changed from Early to Miller.
" 4. Line defined between Irwin and Wilcox.
" 5. Made permanent.
" 6. Lot 30 changed from Irwin to Worth.
" 7. Line changed between Lee and Terrell.
" 8. Portion of Lee added to Terrell.
Sec. 9. Lot 253 changed from Murray to Gordon.
" 10. Upatoi creek made line between Muscogee and Chattahoochee.
" 11. Lots 520, 591 and 601 changed from Carroll to Paulding.
" 12. Lots 413 and 414 changed from Paulding to Carroll.
" 13. Lot 37 changed from Pulaski to Wilcox.

(No. 64.)

An Act to change the line between the Counties of Upson and Crawford, so as to include the residence and farm of Leonard Worthy, of the county of Crawford, within the county of Upson.

Residence of L. Worthy added to Upson.

1. SECTION I. *Be it enacted*, That from and after the passage of this Act, the county line between the counties of Upson and Crawford be so changed as to include the residence and farm of Leonard Worthy, of the county of Crawford, within the county of Upson.

SEC. II. Repeals conflicting laws.

Approved 26th February, 1866.

(No. 65.)

An Act to change the line between the Counties of Dooly and Pulaski, so as to include the residence of John Bembry, of the county of Dooly, within the limits of the county of Pulaski.

Lot 246 added to Pulaski.

2. SECTION I. *Be it enacted, &c.*, That from and after the passage of this Act the line between the counties of Dooly and Pulaski be so changed as to include within the limits of Pulaski county lot of land number two hundred and forty-six, (246,) in the third District of Dooly county, the same being the lot on which John Bembry now resides.

SEC. II. Repeals conflicting laws.

Approved 6th March 1866.

(No. 66.)

An Act to change the line between the counties of Early and Miller.

Lot 220 added to Miller.

3. SECTION I. *Be it enacted, &c.*, That the line between Early and Miller counties be so changed as to add lot of land No. 220, in the 6th District of the county of Early to the county of Miller.

SEC. II. Repeals conflicting laws.

Approved 8th February, 1866.

(No. 67.)

An Act to change, define and make permanent the County line between Irwin and Wilcox counties.

4. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the County line between Irwin and Wilcox counties shall run as follows: commencing on the bank of the Ocmulgee river, at the north-east corner of lot number two hundred and nineteen, (219,) running due south to the south-east corner of lot number two hundred and twenty-five, in the fourth District of Irwin, thence due west, on the land line, to lot number one hundred and seventy-four, in third District, where it connects the old county line.

5. SEC. II. That the above described line shall be a permanent line between Irwin and Wilcox counties.

SEC. III. Repeals conflicting laws.

Approved 19th February, 1866.

(No. 68.)

An Act to alter and change the County line between the Counties of Worth and Irwin.

6. SECTION I. *Be it enacted by the General Assembly*, That from and after the passage of this Act, the line now forming the eastern boundary of Worth and the western boundary of Irwin counties, be so altered and changed as to include in Worth county lot of land number thirty, in the second District of Irwin county, whereon Mary Van Young, widow of George Young, now resides.

SEC. II. Repeals conflicting laws.

Approved 1st February, 1866.

(No. 69.)

An Act to change the County line between the Counties of Lee and Terrell, to add a portion of Lee to the County of Terrell, and for other purposes.

7. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the County line between the counties of Lee and Terrell be changed as follows: commencing at the point where the line between said counties leaves the Kinchafoonee creek, and continuing down the principal channel of said stream until it reaches the point at which the said creek crosses the southern line of lot of land No. 196, in the 13th District of originally Lee county, thence west along the southern line of lots of land Nos. 196, 195, 194 and 193, of said 13th District, and where said line intersects the line between the 12th and 13th Districts of originally Lee county.

Inhabitants added to Terrell.

8. SEC. II. That the inhabitants living in the territory embraced within the limits and boundaries described in the foregoing Section be, and they are hereby added to the county of Terrell.

SEC. III. Repeals conflicting laws.

Approved 20th February, 1866.

(No. 70.)

An Act to change the line between the Counties of Murray and Gordon.

Lot 253 added to Gordon.

9. SECTION I. *The General Assembly do enact*, That from and after the passage of this Act, the line between the counties of Murray and Gordon be so changed as to add lot of land number two hundred and fifty-three, (253,) in the Eighth, (8,) District of Murray county to the county of Gordon.

SEC. II. Repeals conflicting laws.

Approved 8th March, 1866.

(No. 71.)

An Act to change the line between the Counties of Muscogee and Chattahoochee, so as to make the Upatoi Creek to the Chattahoochee river the dividing line, as originally passed in the Act forming the County of Chattahoochee.

Upatoi creek to be the line.

10. SECTION I. *Be it enacted*, That from and after the passage of this Act the line between the counties of Muscogee and Chattahoochee shall be the Upatoi creek, from where it enters said counties to its junction with the Chattahoochee river.

SEC. II. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 72.)

An Act to repeal so much of An Act entitled An Act to add a part of the County of Paulding to the County of Carroll, and a part to the County of Floyd, assented to, on the 22nd day of December, 1847, as relates to lots number 520, 591 and 601 in the first district, third section of original Paulding county, and to add lots number 413 and 414, first district, and third section of Paulding county to the county of Carroll.

Nos. 520, 591, and 601 to Paulding.

11. SECTION I. *Be it enacted, &c.* That so much of the above recited Act as relates to lot number 520, lot number 591, and lot number 601, of the first district, and third section of original Paulding county, be and the same is hereby repealed.

Nos. 413 and 414 to Carroll.

12. SEC. II. That lot number 413 and lot number 414, of the first district and third section of Paulding county be added to, and form a part of the county of Carroll.

SEC. III. Repeals conflicting laws.

Approved 10th March, 1866.

(No. 73.)

An Act to change the line between the Counties of Wilcox and Pulaski.

13. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That lot of land number thirty-seven, (37,) in the eighth district of Pulaski county, the residence of James Garrison, be and the same is hereby added to the county of Wilcox. No. 37 added to Wilcox.

SEC. II. Repeals conflicting laws.

Approved 6th March, 1866.

TITLE XI.

COUNTY REGULATIONS.

SEC. 1. Inferior Court of Camden co. authorized to regulate ferriage.
" 2. Appointment of L. J. B. Fairchild as County Treasurer of Chatham co. legalized.
" 3. Common school fund of Echols co. to be divided among districts.
" 4. Malicious injury to fences, of stock enclosures in Effingham co. declared misdemeanor. Penalty.
" 5. Act to be of force for twelve months.
" 6. Offices of Receiver and Collector for Effingham and Gilmer cos. consolidated.
" 7. Bond of Sheriff of Forsyth co. reduced.
SEC. 8. Inferior Court of Glynn co. authorized to compel persons subject to road duty, to work in any district.
" 9. Punishment of delinquents.
" 10. Inf. Court of McIntosh co. may permit Clerks to keep offices more than one mile from Court House.
" 11. Ordinary of Polk co. may keep records at residence.
" 12. Act of 12th Dec. 1860 to regulate liquor traffic, repealed as to county of Taliaferro.
" 13. Section of Act of 20th Dec. 1859, providing for payment of Jurors in Taliaferro co., repealed.

(No. 74.)

An Act to authorize the Inferior Court of Camden county to regulate and prescribe the rates of ferriage in said county, and for other purposes.

1. SEC. I. *The General Assembly of the State of Georgia do enact,* That, from and after the passage of this Act, the Inferior Court of the county of Camden, be, and is hereby authorized to regulate and prescribe the rates of ferriage, over all water courses in said county. Inferior Court authorized to regulate ferriage.

SEC. II. Repeals conflicting laws.

Approved 21st February, 1866.

(No. 75.)

An Act to legalize the appointment of L. J. B. Fairchild, by the Justices of the Inferior Court of Chatham county.

WHEREAS, By reason of the disturbed condition of affairs in this State, the Acts of the General Assembly, passed in 1865, were not generally known to the people of the State; *and whereas,* among said Acts, was one, requiring the County Treasurer to be elected Preamble.

by the people, which Act was, for the reason aforesaid, unknown to the Justices of the Inferior Court of Chatham county; *and whereas*, in consequence of such ignorance of the law, the said Justices did, in the manner usually pursued and required by the law, prior to the passage of said Act, appoint L. J. B. Fairchild, of said county, Treasurer thereof, who has, under said appointment, been qualified, and acting as such, *and whereas*, it is desirable that said appointment be confirmed, therefore,

Appointment of L. B. Fairchild, as County Treasurer legalized.

2. SEC. I. *The General Assembly do enact*, That the said appointment of the said L. J. B. Fairchild, as Treasurer, for the county of Chatham, be, and the same is hereby legalized and confirmed, and all his actings and doings as such, shall be as good, valid, and binding, as if he had been regularly elected, as prescribed by said act.

Approved 21st March, 1866.

(No. 76.)

An Act to regulate the distribution of the common school fund of the county of Echols, and for other purposes.

Preamble.

WHEREAS, The manner of disposing of the common school fund of Echols county, is unequal, and gives to the school at the Court House, in said county, the benefit of said fund, to the exclusion of the indigent children in those districts of said county, which are remote from the county site, and in which, on account of the sparseness of the population, and the distressed pecuniary condition of the people, no schools have been established, therefore,

Common School Fund to be divided among Districts.

3. SEC. I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority aforesaid*, That the common school fund of Echols county shall not be disbursed as heretofore, but the same shall be divided among the several Districts of said county, in proportion to the number of indigent children in each district, entitled to the benefit of said fund, and when any district, from any cause, fails to have the children entitled to the benefit of this fund, taught, the amount due said district, shall remain in the county Treasury, until such time as the same may be required for the purposes contemplated by this act.

SEC. II. Repeals conflicting laws.

Approved 8th March, 1866.

(No. 77.)

An Act to enable persons whose fences have been destroyed by the Federal forces, in the county of Effingham, to build stock enclosures, and to make the intrusion upon said enclosures, a misdemeanor, and for other purposes.

Preamble.

WHEREAS, During the late war, the county of Effingham was overrun by the Federal forces, and the fences, in many parts of said county, so completely destroyed as to render it impossible to

plant crops, except in open fields, without fencing in the same; *and whereas*, the people of said county, in neighborhoods, have had to combine together, and build stock enclosures, for the confinement of their stock, in order to plant the crops necessary to subsist the people of said county, for remedy whereof,

4. SEC. I. *Be it enacted, &c*, That if any person shall maliciously enter any stock enclosure in the county of Effingham, and leave the fences down, or shall wilfully, burn, remove, or destroy, any part of said fences, so as to expose the crops planted in the neighborhood of such stock enclosure, to depredation or injury from said stock, such person so offending, shall be deemed and held guilty of a misdemeanor, and on indictment and conviction thereof, shall be fined in a sum not less than five hundred dollars, or imprisonment, for not less than six months, or both, or either, in the discretion of the Court. Malicious injury to fences of stock enclosures, misdemeanor. Penalty.

5. SEC. II. That this act shall remain in force for twelve months, and no longer. Act of force 12 months.

Approved 6th March, 1866.

(No. 78.)

An Act to consolidate the offices of Receiver of Tax returns, and that of Tax-Collector, for the counties of Effingham and Gilmer.

WHEREAS, most of the property belonging to the citizens of Effingham and Gilmer counties, has been destroyed by the ravages of war, and in consequence thereof, the remuneration to a receiver of Tax-returns, and that of a Tax-Collector, will be too small to induce proper persons to accept of these offices, for remedy whereof, Preamble.

6. SEC. I. *The General Assembly do enact*, That the office of Receiver of Tax-returns and the office of Tax Collector, for the counties of Effingham and Gilmer, be, and the same are hereby consolidated and made one, and all the duties heretofore required of, and performed by the Receiver, and Collector, for said counties, shall be required of, and performed, by the person elected under the provisions of this act. Offices of Receiver and Collector consolidated.

SEC. II. Repeals conflicting laws.

Approved 26th February, 1866.

(No. 79.)

An Act to reduce the bond of the Sheriff for Forsyth County.

7. SEC. I. *The General Assembly of the State of Georgia do enact*, That from and after the passage of this act, the Sheriff of Forsyth county shall execute his official bond in the sum of ten thousand dollars, instead of twenty thousand, as now required by law. Bond of Sheriff reduced.

Approved 20th February, 1866.

(No. 80.)

An Act to authorize the Inferior Court of the county of Glynn, to compel the hands subject to Road duty, in any one district in said county, to perform Road duty in any other district in said county.

Inferior Court may compel persons subject to road duty to work roads in any district.

8. SEC. I. *Be it enacted*, That from, and after the passage of this act, the Inferior Court of the county of Glynn, when sitting for county purposes, may, in their discretion, compel any, and all persons, subject to road duty, living in any district in said county, to work the roads, in any district therein, when the change from one district to another, may be necessary for the purpose of equalizing the labor of working the roads aforesaid.

Delinquents.

9. SEC. II. That the Commissioners of Roads of the districts to which hands subject to road duty may be transferred, in the terms of the first section of this act, shall have authority to punish all delinquents in the terms of the road laws, now of force in this State.

SEC. III. Repeals conflicting laws.

Approved 6th March, 1866.

(No. 81.)

An Act to allow Clerks of the Superior and Inferior Courts of McIntosh county, to keep their offices more than one mile from the Court-House.

Preamble.

WHEREAS, The Court-House in McIntosh county was burned by the enemy, during the late war, and the place now used as the county site, is in a sparsely settled part of the county, there being but one inhabited dwelling house within a mile of said county site:

Inferior Court may authorize Clerks to keep offices more than one mile from Court House.

10. SEC. I. *Be it enacted, &c.*, That from and after the passage of this Act the Justices of the Inferior Court of McIntosh county, are authorized to grant permission to the Clerk of the Superior and Inferior Courts, of said county, to keep their offices, and all things belonging thereto, more than one mile from the Court-House, if they deem it advisable, by giving public notice of the place or places designated.

SEC. II. Repeals conflicting laws.

Approved 10th March, 1866.

(No. 82.)

An Act to allow the Ordinary of Polk county, to keep the records and papers of his office at his residence, till the building of a Court House, for said county.

Preamble.

WHEREAS, The Court-House, and other public buildings of Polk county, have been destroyed by fire, therefore, the General Assembly of the State of Georgia, do enact,

11. SEC. I. That the Ordinary of said county of Polk, is hereby

allowed to keep the records and papers of his office, at his private residence, till another Court House shall be provided for said county; but nothing herein contained, shall authorize the holding of Courts at any other place than at the county site of said county.

Ordinary may keep records at residence.

Approved 2nd March, 1866.

(No. 83.)

An Act to repeal an Act, entitled an Act, the better to regulate the liquor traffic, in the counties of Taliaferro, Greene, Washington, and Henry, and for other purposes, assented to 12th Dec. 1860, so far as the said Act relates to the county of Taliaferro.

12. SEC. I. *The General Assembly of Georgia do enact*, That so much of the above recited act as relates to the county of Taliaferro, and all the provisions of the same, so far as they embrace, or relate to the said county of Taliaferro, be, and the same are hereby repealed.

Act repealed as to county of Taliaferro.

Approved 23rd February, 1866.

(No. 84.)

An Act to repeal the 2nd section of an Act, entitled an Act to provide for the payment of officers presiding at the polls, on elections hereafter to be held, in Taliaferro county, and for other purposes, therein mentioned, approved Dec. 20th, 1859.

13. SEC. I. *Be it enacted, &c.*, That the second section of the above recited act, which provides for the payment of jurors in said county of Taliaferro, be, and the same is hereby repealed.

Section providing for payment of Jurors repealed.

Approved 21st February, 1866.

TITLE XII.

COURTS.

I. SUPREME COURT, (Nos. 85, 86, and 87.)
II. SUPERIOR AND INFERIOR COURTS, (Nos. 88, 100, inclusive.)
III. COUNTY COURT, (Nos. 101, and 102.)
IV. COURT OF ORDINARY, (Nos. 103, 104, and 105.)
V. CITY COURTS, (Nos. 106, and 107.)

I. SUPREME COURT.

Section 1. Place and times of holding.
" 2. Writs of Error, &c, to be carried to Milledgeville,
" 3. Cases now pending, term for.
" 4. All other cases.
" 5. Cases sued out and not placed on the Dockets.
" 6. What cases may be reinstated.
" 7. Court authorized to make rules in certain cases.
" 8. Attorneys may argue causes in writing.
Section 9. Written argument to be filed, when. Duty of Clerk. Of the Court.
" 10. Costs.
" 11. Mode of carrying cases from Superior Courts to apply to City Courts. Duty of Judges, Clerks, and Sheriffs of.
" 12. Changes in mode, to apply to City Courts.

(No. 85.)

An Act to fix the times of holding the Supreme Court of this State, and for other purposes.

WHEREAS, By the third paragraph of the first Section of the fourth Article of the Constitution it is provided that the Supreme Court shall sit at the seat of Government, at such time, or times, in each year as the General Assembly shall prescribe, therefore,

Preamble.

1. SEC. I. *The General Assembly do enact*, That from and after the passage of this Act, the times and place of holding the sessions of the Supreme Court of this State, shall be at Milledgeville, the first Monday in June and December, of each year.

Times and place of the Court.

2. SEC. II. That all Writs of Error, and Bills of Exception, heretofore taken, or which may hereafter be taken, to any decision or judgment of an inferior tribunal, be carried to Milledgeville.

Writs of error, &c., to be carried to Milledgeville.

3. SEC. III. That the cases now pending on the dockets of the Supreme Court at Milledgeville, Macon, Atlanta, or other places where the Court has heretofore been held, or which properly belong to the said Court, at said places, be placed on the docket for a hearing at the next June term of said Supreme Court.

Cases now pending.

4. SEC. IV. That all other cases determined in the different Circuits of this State be returned to the June and December terms

All other cases.

of said Court, according to the laws now in force for suing out Writs of Error, and Bills of Exception.

5. SEC. V. That when it is made to appear to said Court, at its first term next after the passage of this Act, that any case or cases have been sued out from any of the Circuits of this State, previous to the November term last past at Milledgeville, and since January of the year eighteen hundred and sixty-one, and which, from Providential, or other cause, have not been placed upon any of the dockets of said Court; said cases shall be allowed to be entered on the docket for said June term, and not after.

Cases sued out and not placed upon the dockets.

6. SEC. VI. That, when any case which may have been docketed for the Milledgeville term of said Court, and the same dismissed for a failure of the Plaintiff in Error, or his attorney, to appear and prosecute the same, and the Plaintiff in Error, or his attorney, make oath that such failure to appear was owing, in good faith, to a belief that said case, or cases, properly belonged to the dockets of the Court at other places, the times and places of which were fixed by the laws in force prior to the nineteenth of January, 1861, and if any good and sufficient cause be shown to the satisfaction of the Court, then the Court may order the Clerk to reinstate such case, or cases, so dismissed, and revoke the judgment of affirmance. No motion to reinstate for causes above stated, shall be made after the June term next of said Court.

What cases may be re-instated.

7. SEC. VII. That in determining any question growing out of suing Writs of Error and Bills of Exception, previous to the said June term next after the passage of this Act, the Court is authorized to make any rules which the principles of justice may require.

Court authorised to make rules on certain questions.

SEC. VIII. Repeals conflicting laws.

Approved 20th February, 1866.

(No. 86.)

An Act to allow Attorneys and Solicitors of this State to argue their causes in the Supreme Court of Georgia by written argument, and for other purposes.

8. SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That Attorneys, and Solicitors, who have, or may have, causes pending in the Supreme Court of this State, may argue the same in writing, as hereinafter set forth.

Attorneys may argue in writing.

9. SEC. II. That when any Attorney, or Solicitor, shall, from any cause, desire to make his argument in writing, he shall prepare the same, and address the package containing it to the Clerk of the Supreme Court of Georgia, which said written argument shall be filed in the Clerk's office of said Court, by or before the commencement of the term to which it is made returnable, and it shall be the duty of said Clerk, when the cause is sounded, to furnish

Send written argument to Clerk.

Duty of clerk.

Of Court.

the Court with said argument, which argument it shall be the duty of the Court to read, or cause the same to be done.

Costs.

10. SEC. III. It shall be the duty of the Attorney, or Solictor for the Plaintiff in Error, when forwarding his argument in writing, to furnish a sum sufficient to pay the costs of said suit, and in default thereof his cause shall be liable to be dismissed.

SEC. IV. Repeals conflicting laws.

Approved 19th February, 1866.

(No. 87.)

An Act to carry into effect a portion of the third paragraph of the first Section of the fourth Article of the Constitution of the State of Georgia, and to provide the mode of carrying cases from the City Courts of the Cities of Savannah and Augusta, and such other like Courts as may hereafter be established, and for other purposes.

Mode of carrying cases from Superior Courts to apply to city Courts.

Duty of Judges, clerks and sheriffs of.

11. SEC. I. *The General Assembly of the State of Georgia do enact,* That the mode now prescribed by law for carrying cases from the Superior Courts to the Supreme Court, shall obtain in and apply to the City Courts of the Cities of Savannah and Augusta, and such other like Courts as may be hereafter established, and the Judges, Clerks, and Sheriffs, of such inferior Judicatories are hereby authorized and required to do and perform all the acts in relation to carrying cases from their respective Courts, which are now performed or required of like officers of the Superior Courts, where cases are carried from the Superior Courts.

Changes made shall apply to city Courts.

12. SEC. II. Any change or modification of the mode of carrying cases from the Superior Courts to the Supreme Court, which may hereafter be made, shall apply to and govern such inferior Judicatories, *mutatis mutandis*, although they may not be specially named.

SEC. III. Repeals conflicting laws.

Approved 8th February, 1866.

II. SUPERIOR AND INFERIOR COURTS.

Sec. 13. Judges of Superior Courts authorized to hold special terms.
" 14. When Court House has been destroyed Judges may designate place of holding Court. Bartow county excepted.
" 15. Courts may fill vacancies of Trustees.
" 16. Drawing of Juries legal, if time to perfect service.
" 17. Courts declared legal and valid.
" 18. Drawing of Jury in Polk county legalized.
" 19. Ordinary of Bartow county may hold Court at residence.
" 20. Superior and Inferior Courts of Bartow county to be held at Cartersville. Writs, &c. to conform to Act.
" 21. Suits, &c., in Houston Superior Court made returnable to February Term, 1866. Writs, &c., declared valid.
Sec. 22. Time of holding Superior Court of Lee county.
" 23. Time of holding Superior Court of Muscogee county.
" 24 Time of holding Superior Court of Worth county.
" 25. Time of holding Superior Court of Floyd, Polk, Paulding and Campbell.
" 26. Time of holding Superior Courts of Western Judicial Circuit.
" 27. When this Act to take effect.
" 28. Time of holding Inferior Court of Lincoln county.
" 29. Returns, processes, &c. Parties and Witnesses.

(No. 88.)

An Act to authorize and empower the Judges of the Superior Courts of this State to hold Special Terms for the trial of Criminals, and for other purposes.

13. SECTION I. *Be it enacted*, That from and after the passage of this Act the several Judges of the Superior Courts of this State be, and they are hereby authorized to hold Special Terms for the trial of criminals in any County of their Circuits, at discretion, and to compel the attendance of Grand and Petit Jurors either of a previous term or to draw new Jurors for the same, according to the laws now in force.

Special terms authorized.

Jurors.

SEC. II. Repeals conflicting laws.

Approved 5th February, 1866.

(No. 89.)

An Act to authorize the Judges of the Superior Courts of this State to designate the place of holding their Courts in those Counties in which the Court Houses have been destroyed, until the rebuilding of the same.

WHEREAS, During the late war, the Court Houses of many of the Counties of this State were destroyed, together with other public buildings, thereby rendering it almost impossible for the Courts to be held at the places appointed by law, for the want of accommodation, therefore,

Preamble.

14. SEC. I. *Be it enacted, &c.*, That from and after the passage of this Act the Judges of the Superior Courts of this State are hereby authorized to designate the place of holding their Courts in those counties, of their respective Judicial Circuits, in which the Court Houses have been destroyed, until the same are rebuilt, *Provided*, that nothing in this Act shall apply to the county of Bartow.

When Court House has been destroyed Judges of Superior Courts may designate places of holding. Bartow county excepted.

SEC. II. Repeals conflicting laws.

Approved 12th March 1866.

(No. 90.)

An Act to enable the Judges of the Superior and Inferior Courts of this State to fill vacancies by the appointment of Trustees, in certain cases.

15. SECTION I. *Be it enacted, &c.*, That whenever the office of Trustee, in any incorporated Company, shall become vacant, or may have become vacant, by death, resignation, or otherwise, and the same, for any cause, cannot be filled under the provisions of such Charter of incorporation, the Judge of the Superior or Inferior Courts of the Counties, or Judicial Districts, in which said incorporation may be situated, shall have power to fill such vacancies upon petition to said Judge, [of] either of said Courts showing the circumstances which render the appointment of a Trustee, or Trustees, necessary and proper.

Courts may fill vacancies of Trustees.

SEC. II. Repeals conflicting laws.

Approved 17th March, 1866.

(No. 91.)

An Act to change the time when the Justices of the Inferior Court must draw Juries for the Superior Courts, and to legalize the holding of certain Superior Courts.

16. SECTION I. *Be it enacted by the General Assembly*, That hereafter when any Inferior Court shall, in accordance with the provisions of the Code, draw Juries for the Superior Courts, said drawing and Juries shall be legal, if done in time to perfect service on said Jurors, and the requirements of the law are, in all other essential respects, complied with.

Drawing legal, if time to perfect service.

17. SEC. II. That any Superior Courts which may have been held with Jurors drawn by the Inferior Courts in less time than sixty days, before the term of said Courts, are hereby, in all their acts, declared legal and valid.

Courts legalized.

Approved 5th February, 1866.

(No. 92.)

An Act to make valid certain acts of the Justices of the Inferior Court of Polk County.

Preamble.

WHEREAS, The presiding Judge of the Tallapoosa Circuit having failed to draw a jury for the regular February Term, 1866, of Polk Superior Court, and two Justices of the Inferior Court of said County having performed that duty, on the first day of January, 1866,

18. SEC. I. The General Assembly do hereby declare valid, and of full legal effect the said action of the said Justices of the said Inferior Court, as though the said drawing had been in all respects according to the provisions of the Code.

Drawing of Jury legalized.

Approved 5th March, 1866.

(No. 93.)

An Act to authorize the Ordinary of Bartow county to hold the Court of Ordinary for said county at his own residence; and provide for holding the Superior and Inferior Courts, of said county, at the town of Cartersville, in said county, until a Court House shall be provided.

WHEREAS, The Court House and other buildings, both public and private, at the county site, in Bartow County, have all been destroyed during the war, and that there is no house at the county site in which the Ordinary of said county can store the records, or the Court be held with comfort or convenience, Preamble.

19. SECTION I. *Be it therefore enacted by the General Assembly of this State*, That the Ordinary of Bartow county be, and is hereby empowered to hold the Court of Ordinary for said county, and transact all other business pertaining to the same, at his own residence, or other convenient place, in said county, until a Court House shall be provided in said county. Ordinary may hold Court at residence.

20. SEC. II. That the Superior and Inferior Courts of said county shall be held at the town of Cartersville, in said county, until the Justices of the Inferior Court shall have made proper and suitable provisions for holding said Courts at the county seat; and all writs, processes, subpœnas, and summons' issued by the Clerks of said Courts shall be made to conform to this Act. Superior and Inferior Cts. to be held at Cartersville. Writs, &c., to conform to this Act.

SEC. III. Repeals conflicting laws.

Approved 15th December, 1865.

(No. 94.)

An Act to make all Suits, Writs, and Processes, which were returned to Houston Superior Court as of October Term, 1865, *returnable to the February Term of said Superior Court to be held in the year,* 1866.

WHEREAS, In consequence of the notice given by the Honorable C. B. Cole, Judge of the Superior Court of Macon Circuit, that the Superior Court of the county of Houston, would be held on the fourth Monday of October, 1865, a number of suits, writs, and other processes were returned to said October Term of said Court, *And Whereas*, the Convention of the State of Georgia has recognized as valid the change made, since 1861, in the time of holding said Superior Court: Preamble.

21. SEC. I. *Be it therefore enacted by the General Assembly of the State of Georgia*, That all the suits, writs, and processes made returnable to said October Term of said Superior Court, of said county of Houston, shall be, and they are hereby made returnable to the February Term, 1866, of said county, the same being the next regular Term of said Court, and that said suits, writs, and processes, shall be held and taken as valid as if they had been originally made returnable to the said February Term, 1866, of said Court. Suits, &c., made returnable to February Term, 1866. Declared valid.

SEC. II. All conflicting laws are hereby repealed.

Approved 5th February, 1866.

(No. 95.)

An Act to change time of holding the Superior Court, of Lee county.

22. SEC. I. *The General Assembly do enact*, That the time of holding the Superior Court of Lee county, be held on the fourth Monday in June and January, of each, and every year.

Superior Court of Lee county.

SEC. II. Repeals conflicting laws.

Approved 17th March, 1866.

(No. 96.)

An Act to change the time of holding the terms of the Superior Court of Muscogee county.

23. SEC. I. *Be it enacted, &c.*, That from, and after the passage of this act, the Superior Court of Muscogee county, shall commence its session on the second Monday in May, instead of the fourth Monday in May; and the second Monday in November, instead of the fourth Monday in November, as now required by law.

Superior Ct. of Muscogee county.

Approved 23rd February, 1866.

(No. 97.)

An Act to change the terms of the Superior Courts of Worth county.

24. SEC. I. *The General Assembly of the State of Georgia do enact*, That from and after the passage of this Act the Superior Courts of Worth county, be so changed as to be held on the third Monday of April and October, and that all laws and parts of laws militating against this Act, be, and the same are hereby repealed.

Supr. Court of Worth Co.

Approved 28th February, 1866.

(No. 98.)

An Act to change the time of holding the Superior Courts in the counties of Floyd, Polk, Paulding and Campbell, of the Tallapoosa Circuit.

25. SEC. I. *The General Assembly of the State of Georgia do enact*, That from and after the first Monday in July next, the Superior Courts shall be held in, and for the county of Floyd, on the third Mondays in January and July, and in the county of Polk, on the first Mondays in February and August, and in the county of Paulding on the second Mondays in February and August, and in the county of Campbell, on the third Mondays in February and August, in each and every year.

Supr. Courts in Floyd. Polk. Paulding. Campbell.

SEC. II. Repeals conflicting laws.

Approved 21st February, 1866.

(No. 99.)

An Act to change and define the times of holding the Superior Courts of the several Counties of the Western Judicial Circuit.

26. SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That the times of holding the Superior Courts of the several counties of the Western Judicial Circuit, shall be as follows, to-wit: of the county of Clarke, on the first Monday in February, and second Monday in August; of the county of Walton, on the third Monday in February and August; of the county of Jackson, on the fourth Monday in February and August; of the county of Gwinnett, on the first Monday in March, and second Monday in September; of the county of Hall, on the third Monday in March and September; of the county of Banks, on the first Monday in April and October; of the county of Franklin, on the second Monday in April and October; of the county of Habersham, on the third Monday in April and October; of the county of Rabun, on the fourth Monday in April and October; of the county of White, on the Monday after the fourth Monday in April and October.

Supr. Court in Clark co. Walton. Jackson. Gwinnett. Hall. Banks. Franklin. Habersham. Rabun. White.

27. SEC. II. That this Act shall take effect and be of force, on, and after the first day of August next.

When Act to take effect.

SEC. III. Repeals conflicting laws.

Approved 24th February, 1866.

(No. 100.)

An Act to change the time of holding the Inferior Courts, of the coun'y of Lincoln.

28. SEC. I. *The General Assembly do enact*, That from, and after the passage of this Act, the time of holding the Inferior Court of the county of Lincoln, shall be changed, from the first Monday in February and July, to the fourth Mondays in January and July.

Infr. Court held when.

29. SEC. II. That all returns, declarations, processes, and other proceedings, which have been returned or issued, returnable to said county, on the said first Mondays in February and July, be, and the same are hereby declared to be legal and valid, and are made returnable according to the time fixed by this act; and that all suitors, witnesses, and parties interested in the proceedings of said Court, shall be bound to appear at said terms of fourth Mondays in January and July, and on failure, shall be subject to the same liabilities and penalties, as though they had failed to appear at the terms of first Mondays in February and July, before the passage of this act.

Returns, processes, &c.

Parties and witnesses.

Approved 9th March, 1866.

III. COUNTY COURT.

Section 30. County Court to be organized in each County.
" 31. Time of electing Judges. Vacancies. Commission and oath of office.
" 32. Compensation.
" 33. Qualifications for office of Judge.
" 34. Powers of.
" 35. Duty as to fines and forfeitures. Index of Court Contracts, &c. Seal of Court.
" 36. Clerk. Appointment and removal of.
" 37. Duties of as to Minutes, &c. Dockets.
" 38. Jurisdiction. Concurrent in what cases.
" 39. Sessions of the Court.
" 40. Jurisdiction at monthly and special sessions.
" 41. At semi-annual sessions—rules—appeals.
" 42. Court, where held. Judge's office, where. Rules of practice.
" 43. Vacancies, &c.
" 44. Sheriff and deputies to act when required. Fees of.
" 45. Bailiffs may be appointed. Number Special Bailiff. Duty of. Temporary Bailiffs. Fees of Bailiff.
" 46. Juries, how drawn, summons, &c.
" 47. Term of service of Grand Jury.
" 48. Juries for monthly sessions. Tales Jurors.
" 49. When Jury required at monthly and special sessions.
" 50. Oath of Jurors.
" 51. Officers of Court responsible as in Superior Court. It is a Court of record. Power to punish for contempts. General provisions.
Section 52. Amendments and defences.
" 53. Suits, service and proceedings.—Summons in civil cases.
" 54. Attachments, claims, garnishments &c.
" 55. Continuances.
" 56. Trials, when.
" 57. Witnesses and testimony.
" 58. Verdicts and judgments.
" 59. Sales, under execution.
" 60. Certiorari.
" 61. Claims to personal property.
" 62. Proceedings in attachment.
" 63. Criminal jurisdiction—extent of.
" 64. When act as Court of Inquiry.
" 65. Indictments as in Superior Court.
" 66. Trial of.
" 67. Counsel for accused—subpœnas for witnesses.
" 68. May use County jail.
" 69. Certioraris—duty of Solicitor General of Circuit.
" 70. County Solicitor—election of, &c., vacancies, &c.
" 71. Judge's costs—in criminal cases—other cases, when no fees prescribed by law.
" 72. Fees of County Solicitor.
" 73. Cases between master and servant, when judgment to operate as garnishment.
" 74. Qualifications for County Judge in Muscogee. If fees not sufficient compensation.
" 75. Suits on dockets of Inferior Courts to be transferred to County Courts.

(No. 101.)

An Act to organize a County Court, define its jurisdiction, and for other purposes.

30. SEC. I. *The General Assembly of the State of Georgia do enact,* That a Court shall be organized in each County in this State, to be called the County Court, the Judge of which shall be entitled the County Judge.

County Court to be organized.

31. SEC. II. That the County Judge shall be elected on the first Wednesday in May, 1866, on the first Wednesday in January, 1870, and every fourth year thereafter, and shall in all cases hold his office until his successor is elected and qualified. Any vacancy in the office shall be filled as in the case of the Clerk of the Superior Court, (as provided in the Sections 251 and 252 of the Code,) upon fifteen days notice. This officer shall be commissioned by the Governor, and take the oath of office prescribed for Judges of the Superior Court, and no other oath.

Time of electing Judges.

Vacancies.

Commission and oath.

32. SEC. III. That the Judge shall receive no salary from the State, but shall receive compensation for his services in the way of fees hereinafter named, which shall be taxed in his bill of costs. Compensation.

33. SEC. IV. That no disqualification for holding the office of County Judge shall arise from being Clerk of the Inferior Court, or from holding any other office, not involving duties incompatible with the duties of the County Judge. He may, if an attorney at law, practice in cases never connected with his own Court, but these qualifications shall apply to such Counties as are not specially excepted in this Act, and in the Counties so excepted the Judge shall have the qualifications hereinafter set forth in Section 45. Qualification for office of Judge. Counties excepted.

34. SEC. V. That the County Judge may issue bail process in civil cases, admit to bail in criminal cases, issue attachments, foreclose mortgages on personal property, issue warrants of distress for rent, possessory warrants, writs of *Habeas Corpus*, and other writs or warrants not within the exclusive jurisdiction of some other Court or officer. He may attest contracts or deeds for registry, administer oaths, and exercise all the powers of a Justice of the Peace in matters civil and criminal, issue warrants requiring offenders to be brought before him, or some other Judge, or some Justice, and sit singly or in conjunction with others, as by law required, on a Court of Inquiry. The foregoing enumeration is not exhaustive, but the County Judge may in general exercise all such powers as are granted to him by law, or essential to the functions granted. Powers, &c., of Judge.

35. SEC. VI. That the County Judge shall, by himself or Clerk, keep a strict account of all fines, and forfeitures, and other moneys, which come to his hands, as County Judge, or to his Clerk, in his official character, and shall pay over the same to the County Treasurer, and report such receipts and payments to the Grand Jury of the County, at each session of the Superior Court. He shall keep an index of all Court contracts filed in his office, and a list of all certificates and discharges granted by him according to law, which index and list shall be open for public inspection. It shall be his duty to provide a seal for the County Court, to be used when necessary, by himself or the Clerk; and until such seal is provided, the private seal of either may be used. Fines and forfeitures. Index of Court contracts, &c. Seal of Court.

CLERK.

36. SEC. VII. That the Clerk of the County Court may be either the County Judge himself, or any person appointed by the Judge, removable at his pleasure, to be paid by him, and for whose good conduct he is responsible. It shall be the duty of the Judge to have a Clerk in office in case of his own sickness or absence. The appointment and removal of the Clerk shall be entered on the minutes; he shall be sworn to the faithful and impartial discharge of his duties, and shall be competent to discharge all of the duties of the Judge not judicial in their character. Appointment and removal of Clerk

Duties of. Minutes, &c., Dockets.

37. SEC. VIII. That the Clerk, or the Judge acting as such, shall keep the minutes of the Court, record its proceedings, issue its orders and processes, and keep proper dockets, to-wit: One subpœna, and one execution docket, for all the sessions of said Court. For the monthly and special sessions, one docket of civil cases generally, and also one for criminal cases. For the semi-annual sessions, one common law docket, one docket for claims, motions, illegality, and other like proceedings, and any other docket for either session, which the Judge may direct.

JURISDICTION.

Concurrent in what cases.

38. SEC. IX. That the County Court shall have concurrent jurisdiction in all civil cases, and criminal cases, in which exclusive jurisdiction is not, by law, vested in some other Court, and such jurisdiction shall be exercised as hereinafter provided for.

Sessions.

39. SEC. X. That the County Court shall hold semi-annual sessions in the several Counties of this State, on the same days as the Inferior Courts are now held; also, monthly sessions on the second Monday in every month. and special terms, in the discretion of the Judge.

Jurisdiction at monthly and special sessions.

40. SEC. XI. That the County Court, at its monthly and special sessions, shall have jurisdiction, without limit as to amount, in all cases arising out of the relation of master and servant, whether suits for wages, applications to enforce performance, or for other purposes; also, applications for the eviction of trespassers, intruders, and tenants holding over; for the partition of personal property; for the trial of possessory warrants, or proceedings under distress warrants, *Habeas Corpus* cases, and all other civil cases in which not more than one hundred dollars is claimed as damages, or principal sum due.

At semi-annual sessions.

41. SEC. XII. That the County Court, at its semi-annual sessions, shall have concurrent jurisdiction with other Courts of law, in all civil cases of which exclusive jurisdiction is not vested in some other Court, including jurisdiction in legitimatising persons, and changing names. The Court shall exercise its jurisdiction under the rules of the Superior Court, unless specially excepted. Appeals as now taken from the Inferior, may be taken to the Superior Court.

Rules.

Appeals.

Court, where held. Judge's office. Rules of practice.

42. SEC. XIII. That the County Court shall be held at the Court House of the County, and the Judge shall have his office at the same place, and the rules of practice of the Superior Court shall apply unless specially excepted.

In case of vacancy, &c.

43. SEC. XIV. That, in case of a vacancy, or that the Judge cannot preside from sickness, absence, disability, or from any other cause, either of the Justices of the Inferior Court may preside, until such vacancy is filled, or such disability is removed.

Sheriff and deputies to act when required.

44. SEC. XV. That the Sheriff and his deputies, when required by the County Judge, or Clerk, shall execute any writ, process, or order of the County Court or Judge, as if from the Superior Court,

and shall attend the sessions of said Court. For cases in the County Court, within the jurisdiction of a Justice's Court, the Sheriff's fee shall be the same as a Constable's. In other cases they shall be the same as in the Superior Court. For summoning juries for the semi-annual session, five dollars; for the monthly, or special sessions, three dollars. Fees of.

45. SEC. XVI. That bailiffs may be appointed by the County Judge, not to exceed four in number, of whom one shall be called special bailiff. They shall each give bond, in a sum to be fixed by the County Judge; be sworn to the faithful and impartial discharge of their duties; and their appointment and removal be entered on the minutes. It shall be the duty of the special bailiff, unless the Judge shall assign the duty to the Sheriff, or his deputy, to collect all executions for costs, and in all cases where costs are not paid instanter, executions therefor shall be issued, and ten per cent. additional collected as commissions of the collecting officer. One or more temporary bailiffs for particular occasions may also be appointed, who need not give bond, but must be sworn, and their appointment entered on the minutes. A bailiff's fee shall be the same as a Sheriff's in like cases. Bailiffs, number, appointment and duties of. Special bailiff, collection of costs. Temporary bailiffs. Fees.

46. SEC. XVII. That immediately after his election and qualification, the Judge and Sheriff shall proceed to make out a list of persons, from the Receiver's Digest, who are liable to jury duty, which shall be deposited in a jury box. He shall draw therefrom not more than eighteen nor less than thirteen Grand Jurors, in the manner pointed out by law, for the drawing of Grand Jurors in the Superior Court. They shall be summoned to attend at the first Court, whether it be a monthly or semi-annual session, and shall be organized and sworn, in the same manner as Grand Jurors of the Superior Court. The proceedings in all respects so far as applicable to said Court, shall conform to the usages and laws which govern the Superior Court. Juries, how drawn, summoned, &c.

47. SEC. XVIII. That the first Grand Jury which may be drawn, shall serve at the monthly sessions, and until the adjournment of the semi annual session of the Court; the Judge shall then, in the manner heretofore prescribed, and at each semi-annual session thereafter, draw a new Jury, which shall serve for the next six months, and during the next semi-annual session. Time of service of Grand Jury.

48. SEC. XIX. That, from the same jury box, and at the same time, and in the same manner, the Judge shall draw a Jury of twelve, who shall serve at the first Court thereafter; and at each succeeding monthly Court, he shall draw a new Jury of twelve, and they shall be so drawn that the same Jury shall not sit at two succeeding sessions; and if from any cause there should be a deficiency of the original panel, at the session of said Court, the Judge shall cause to be summoned a sufficient number of *tales* jurors to make up the original panel, for the trial of civil cases, and shall also summon twelve *tales* jurors, so as to make up a panel of Juries for monthly sessions. Tales Jurors.

twenty-four jurors for the trial of criminal cases, from which, by strikes as in the Superior Court, a jury may be selected.

When Jury required at monthly and special Courts.

49. SEC. XX. That all civil cases before the monthly sessions, shall be tried by the Judge, without the intervention of a jury, unless a jury is demanded by one of the parties to the record, and at special Courts, where a jury is demanded, the Judge shall cause to be summoned from the by-standers a jury of five men.

Oath of Jurors.

50. SEC. XXI. That the jurors serving in the County Court shall take the same oath as is provided for like jurors in the Superior Court, and they shall be paid in the same manner.

Officers of Court responsible. Is a Court of record.

51. SEC. XXII. That all the officers of the County Court shall be responsible for their good conduct as such, under the same rules as officers of the Superior Court. It is a Court of record, and the proceedings shall be recorded as in the Superior Court. Its powers to punish for contempt shall be the same as those of the Superior Court, and the general provisions of the Code from § 197 to § 203 inclusive, concerning the powers of a Court, apply to it.

Power to punish for contempts. General provisions.

Amendments and defences.

52. SEC. XXIII. That the provisions of the Code concerning amendments, from § 3410 to § 3436 inclusive, and, concerning defences, from § 3381 to § 3388 inclusive, apply to the County Court at either session.

Suits, service and proceedings. Summons in civil cases.

53. SEC. XXIV. That, in the semi-annual session, the mode of commencing suit, service and proceedings in general, shall be the same as in the Superior Court. In all civil cases, not hereinafter excepted, brought to the monthly sessions, the plaintiff shall procure from the Court a summons, in which shall be set forth the ground or grounds of complaint, and the time of trial, which summons shall be served by the Bailiff, or other officer, at least five days before the time of trial.

Attachments, claims, garnishments, &c.

54. SEC. XXV. That attachments, claims, garnishments and other like proceedings, returnable to the monthly sessions, shall be served not less than ten days before the first day of the session, to which the same are returnable. The same class of cases returnable to the semi-annual sessions, shall be served at least fifteen days before the first day of the session to which the same are returnable.

Continuances.

55. SEC. XXVI. That continuances may be allowed under the same rules as in the Superior Court.

Trials, when.

56. SEC. XXVII. That trials shall be had at the second session after service of process, at the term succeeding that to which such process is returnable, unless on cause shown for continuance.

Witnesses & testimony.

57. SEC. XXVIII. That the testimony of either party shall be competent in cases which would be within the jurisdiction of a Justice of the Peace, and the Judge shall have the power to compel the attendance of witnesses by *subpœna*, or otherwise.

Verdicts and judgments.

58. SEC. XXIX. That verdicts or judgments may be so moulded as to subserve the ends of justice, and may be either for a sum certain, for the delivery of specific property, for the eviction of an intruder, or the performance of a Court contract, or in such

other form as may seem just and proper, and may be in the alternative.

Sales under execution.

59. Sec. XXX. That the regulation for sale under execution or order, for sums exceeding fifty dollars, shall be as in the Superior Courts, and for fifty dollars or less, as in Justices' Courts; and in case of perishable property, the Judge may so order the time of sale as to subserve the ends of justice.

Certiorari.

60. Sec. XXXI. That a *certiorari* may be had upon the application of the party complaining of error to the County Judge, within ten days after the trial, with notice to the opposite party, or his attorney, stating the grounds of complaint, and giving a brief of the material evidence, upon which it shall be the duty of the Judge to proceed, as under a writ of *certiorari*, to certify the proceedings of the County Court, to the Judge of the Superior Court, within ten days after such application, and the Judge of the Superior Court shall hear, and finally determine the same at Chambers, or the session of the Superior Court as may seem proper.

Claims to personal property.

61. Sec. XXXII. That claims to personal property in the monthly sessions, where the execution or order issues from said Court, shall be tried in the same manner as in Justices' Courts, and in the semi-annual sessions, in the same manner as in the Superior Court.

Attachments, proceedings in.

62. Sec. XXXIII. That, in cases of attachments, returnable to the monthly sessions, the trial and proceedings shall be the same as in Justices' Courts; and when returnable to the semi-annual sessions, shall be the same as in the Superior Courts.

CRIMINAL JURISDICTION.

Extent of.

63. Sec. XXXIV. That the criminal jurisdiction of the County Court, at its monthly and semi-annual sessions, extends to all offences of which exclusive jurisdiction is not vested in some other Court.

When to act as Court of Inquiry.

64. Sec. XXXV. That if any offence is charged which is within the jurisdiction of the County Court, and upon the trial thereof, it shall appear that the crime committed is of a grade beyond its jurisdiction, the trial thus begun shall be regarded as if before a Court of Inquiry, and the Court shall dispose of the case accordingly.

Bills of indictment, &c. as in Superior Court.

65. Sec. XXXVI. That all of the proceedings in preferring bills of indictment or presentment, and submitting the same for trial, shall conform to the laws and rules governing in the Superior Court in similar proceedings.

Trial of.

66. Sec. XXXVII. That every indictment in the County Court, either at its monthly or semi-annual sessions, shall be in order for trial at the term at which it is found, but it shall be the duty of the Judge to allow reasonable time to both parties to summon witnesses, and to the defendant to procure counsel.

Counsel for accused. Subpœnas for witnesses.

67. Sec. XXXVIII. That if the accused has no counsel, and is unable to employ counsel, it shall be the duty of the Judge to assign counsel to the accused, and to issue *subpœnas* for such witnesses as he may rep-

resent to be material for his defence, and if necessary, to compel their attendance. *Provided*, the Judge may exercise his discretion in compelling the attendance of witnesses whose testimony in the opinion of the Judge would be immaterial to the case.

Proviso.

68. Sec. XXXIX. That the County Judge shall have power to use the County Jail for the detention of accused parties, and for the punishment of those convicted of offences, or guilty of contempt. Commitments by the County Judge shall be lawful warrants to the Jailer and shall be obeyed by him.

May use County jail.

69. Sec. XL. That a *certiorari*, at the instance of the defendant, may be had as provided in § 31st, and upon notice to the Judge of the application, the sentence shall be suspended until the *certiorari* is decided. On hearing such writ of *certiorari*, the Judge of the Superior Court may either grant a new trial, or pass such judgment or sentence as, in view of the whole case, is consistent with justice. And when any such case is carried up as herein provided, the Solicitor or Attorney General of the circuit shall take charge of, and prosecute the same, for which he shall have the same fees allowed in bills found in the Superior Court.

Certiorari.

Duty of Solicitor General of circuit.

70. Sec. XLI. That there shall also be a prosecuting attorney, who shall be called County Solicitor. He shall be elected at the same time, and commissioned in the same manner, as the Judge of said Court. He shall have been a practicing attorney, and after his election shall reside in the County. He shall be qualified and sworn as Solicitors and Attorney General are qualified and sworn, and shall be removable from office in the same manner as Solicitors General are removable; and in case of vacancy, absence, sickness or other disability, the Judge may appoint any practicing attorney to perform his duties during such absence, sickness, or other disability, or until such vacancy can be filled by a new election.

County Solicitor, election of, &c.

Term of office.

Case of vacancy, absence, &c.

COSTS.

71. Sec. XLII. That in cases not specially excepted, the Judge's costs in the semi-annual Courts shall be the same as those of the Clerk of the Superior and Inferior Courts for like services. In cases in the monthly and special Courts, if the sum in damages claimed exceed fifty dollars, then two-thirds of such costs, and if not over fifty dollars, then one-third of such costs shall be taxed as Judge's costs; and in all other cases, in which he is authorized to act, he shall have such fees as are now allowed by law to the other officers for similar services. The Judge's costs in criminal cases shall be two dollars for every case begun, and two dollars additional for every case tried or transmitted to the Superior Court. The Judge's costs for a case in which discharge or specific performance is prayed, or other like case not claiming money, shall be two dollars. For the forclosure of mortgages, the partition of personalty, the removal of intruders, trespassers, or tenants holding over, the trial of claims, for the *certiorari* of any case, forci-

Judge's costs.

In criminal cases.

In other cases.

ble entry or detainer, abatement of a nuisance; also for proceedings usually tried at Chambers, such as possessory warrants, *habeas corpus* cases, and the like, three dollars. In cases in which no fees are prescribed by law, the Ordinary, or any three Justices of the Inferior Court may determine what shall be the Judge's costs.

If no fees are prescribed by law.

72. Sec. XLIII. That the County Solicitor shall receive the same fees as are now allowed to the Solicitor General of the circuit in the Superior Court for such cases as come within the jurisdiction of the County Court.

Fees of County Solicitor.

73. Sec. XLIV. That in cases between master and servant, which shall go against the servant, the judgment for costs, upon written notice to the master shall operate as a garnishment against him, and he shall retain a sufficient amount for the payment thereof out of any wages due to said servant, or to become due during the period of service, and may be cited at any time by the collecting officer, to make answer thereto.

In cases between master and servant when judgment to operate as garnishment.

74. Sec. XLV. That in the following County, to-wit: Muscogee, the qualifications for County Judge shall be, 1st, That he shall be a resident of the County from the time of his election, and 2nd, That he shall have been a practicing attorney of this State. If the fees prescribed by this Act shall not be sufficient to compensate the Judge for the service he has to perform in said County, the Justices of the Inferior Court may, in their discretion, pay such additional sum from the County funds as will [insure] him a competent salary.

Qualifications for County Judge in Muscogee.

If fees not sufficient compensation.

Approved 17th March, 1866.

(No. 102.)

An Act to authorize the transfer of all civil cases now on the dockets of the Inferior Courts to the County Courts.

75. SEC. I. *The General Assembly of the State of Georgia do enact,* That the Clerks of the Inferior Courts of the several counties of this State shall, immediately after the passage of this act, transfer all suits now on the dockets of the Inferior Court to the County Court.

Suits on dockets of Inferior Courts transferred.

Approved 17th March, 1866.

IV. COURTS OF ORDINARY.

Sec. 76. Courts of Ordinary on 1st Monday in January, instead of 2nd.
" 77. Changed from 2nd to 1st Monday in January.
Sec. 78. In Tattnall county on 1st Monday in October instead of 2nd.

(No. 103.)

An Act to change the time of holding the Courts of Ordinary in the month of January in this State.

Preamble.

WHEREAS, The Courts of Ordinary of the several counties have heretofore been, and still are, held on the second instead of the first Monday in January, for the reason that heretefore the general election for county officers was held on the first Monday in January; *And whereas*, said election day has been changed from said first Monday to the first Wednesday in January.

Court of Ordinary to be held on 1st Monday in January.

76. SEC. I. *Be it therefore enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, the Courts of Ordinary of the several counties of this State be held on the first Monday in January instead of the second Monday, any law, usage or custom to the contrary notwithstanding.

SEC. II. Repeals conflicting laws.

Approved 16th February, 1866.

(No. 104.)

An Act to change and fix the time of holding the January Term of the Courts of Ordinary in this State from the second Monday in said month, as now fixed by law, to the first Monday in January in each and every year.

Court of Ordinary to be held on first Monday in January.

77. SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That from and immediately after the passage of this Act, the time of holding the January term of the Court of Ordinary in and for the several counties of this State, shall be on the first Monday in January in each and every year, instead of the second Monday, as now authorized by law, and that this Act shall be of force from and immediately after its passage.

SEC. II. Repeals conflicting laws.

Approved 8th February, 1866.

(No. 105.)

An Act [to repeal an Act] to change the time of holding the Court of Ordinary of Tattnall county, assented to December 21st, 1857.

78. SEC. I. *The General Assembly of the State of Georgia do enact*, That the Act passed and assented to on the twenty-first day of

December, eighteen hundred and fifty-seven, requiring the Court of Ordinary of Tattnall county to be held on the second Monday in October, instead of the first Monday, as provided by law, be and the same is hereby repealed. Court of Ordinary first Monday in October.

SEC. II. Repeals conflicting laws.

Approved 1st February, 1866.

V. CITY COURTS.

Sec. 79. Civil jurisdiction of City Court of Augusta reduced to $1000. Suits commenced allowed to proceed.
" 80. If Judge of City Court of Savannah disqualified, attorney may be selected to preside.
Sec. 81. Judge may attest deeds, &c., administer affidavits, &c.

(No. 106.)

An Act to amend an Act assented to March 9th, 1865, entitled an Act to extend the civil jurisdiction of the City Court of Augusta, to abolish the tax or Court fee, and to make the fees of the officers of that Court the same as in the Superior Courts of this State.

79. SEC. I. *The General Assembly of the State of Georgia do enact,* That from and after passage of this Act, the before recited Act be so amended as to reduce the civil jurisdiction of the City Court of Augusta to one thousand dollars, exclusive of interest; *Provided,* however, that all suits already commenced, under existing laws, shall be allowed to proceed to final judgment. Civil jurisdiction reduced to $1000. Suits commenced allowed to proceed.

Approved 6th February, 1866.

(No. 107.)

An Act to give certain powers to the Judge of the City Court of Savannah, and to prescribe certain practices in said Court, and for other purposes.

80. SEC. I. *The General Assembly of the State of Georgia do enact,* That from and after the passage of this Act, whenever in any case now pending, or hereafter brought, in the City Court of Savannah, the Judge of said Court shall, from any cause, be disqualified from presiding, the parties litigant, or the respective counsels, may select any attorney, practicing in said Court, to preside in such case, and the Judge shall have such consent entered on the Minutes, and the attorney so selected shall exercise all the functions of Judge in such case. Judge disqualified, parties may select Attorney to preside.

81. SEC. II. The Judge of the City Court of Savannah shall have power to attest deeds and other papers, and administer affidavits in all cases in which, by existing laws, such papers may be attested, and affidavits administered by the Justices of the Peace of the county of Chatham. Judge may attest deeds, &c.

SEC. III. Repeals conflicting laws.

Approved 28th February, 1866.

TITLE XIII.

COURT CONTRACTS.

(No. 108.)

SEC. 1. Court Contract when binding. Proviso.
" 2. May be filed. Force and effect of. Proviso. Performance enforced Damages. Rescission. Other action of Court. Construction of contract.
SEC. 3. Fraud.
" 4. Remedy cumulative.

An Act to define and regulate Court Contracts and prescribe the manner of enforcing the same in the County Courts.

Contract when binding.

Proviso.

1. SEC. I. *The General Assembly of the State of Georgia do enact,* That no Court Contract, hereafter executed in this State, shall bind any party, who signs the same, by making his mark, unless said writing, in the attestation clause or elsewhere, specify that it was read over in the hearing of such party; *Provided however,* that this section shall not apply where it is made plainly to appear, by direct and positive evidence, that the party could easily read ordinary writing for himself, or that the instrument in question, was, in fact, fully, and correctly read to him, at the time of its execution.

COURT CONTRACTS.

What agreements may be filed in County Court.

Force and effect.

Proviso.

Performance enforced.

Damages.

2. SEC. II. That any written agreement for a term of service not exceeding one year, or for the lease, rent, or occupation, of lands or tenements, not exceeding a like term, may, at the option of the parties, be filed in the office of the County Court, the parties, or either of them, retaining a duplicate, if they so desire. An agreement thus filed, shall be known as a Court Contract, and shall have the force and effect of a judgment or decree, for the specific performance of its terms, both as to the express stipulations, and the plain duties and obligations resulting therefrom, by implication of law, *provided,* that all issues of fact arising under a Court contract, by the provisions of this Act, shall be tried by a jury, where either party demands it. Performance of these stipulations, duties and obligations, may, from day to day, and from time to time, be enforced by the County Court, by orders entered on the minutes for that purpose; which orders may be carried into effect by attachment for contempt, or any other writ, execution, or process, known to the law, and used in any Court, for affording redress to parties, or for maintaining its own authority, and dignity. Damages for a breach of such contract, may be awarded by similar orders, and payment thereof enforced by like means, and at the election of the party aggrieved, the contract may be declared rescinded, and such

party restored to his original situation as nearly as possible. Any other order requisite to the attainment of substantial justice, in the particular case, may also be passed and enforced; the Court always keeping in view, as cardinal points, that each party is to be compelled to perform his contract, or to forfeit, for any material default, the whole, or a part of its benefits, and in addition thereto, to make full and fair compensation, to the opposite party, for any damage occasioned by a breach thereof. In construing the contract, time is to be regarded as of the essence of the same; unless rendered impossible by the act of God, or the act of law, whatever is stipulated to be done by either party, must be done at the very time or times specified. At the expiration of the term fixed by the contract, the relation established thereby, shall cease, without notice to or from either party. The power of the County Court, by appropriate orders, to compel payments, or to award, and collect damages, or to place the parties in their former situation, shall nevertheless continue subject only to the condition that any order for one or more of these purposes, shall be applied for, within two months after the expiration of the time limited in the contract, for its full and final performance. Breaches not thus proceeded for, may be the subject of regular suit or action at any time, within the statutory period applicable to similar actions on other contracts.

Rescission.

Other action of Court.

Construing contract.

Limit as to time.

3. SEC. III. That a Court contract may be set aside in the County Court for fraud, by a direct proceeding for that purpose, or it may be collaterally impeached for fraud, either in that Court, or in any other.

Fraud.

4. SEC. IV. That the remedy in the County Court, on Court contracts, is not exclusive, but cumulative only.

Remedy cumulative.

Approved 17th March, 1866.

TITLE XIV.

DEAF AND DUMB.

SEC. I. Repealing Act repealed.

(No. 109.)

An Act to repeal a repealing Act, entitled "An Act, to repeal an Act, and the Acts of which it is amendatory, entitled 'an Act to provide for the indigent Deaf and Dumb citizens of this State'; and also, to provide for the appointment of a Commissioner, to regulate his duties, affix his salary, and appropriate money therefor, by increasing annual appropriation, and for other purposes, approved January 13th, 1852", *assented to December 15th,* 1862.

1. SEC. I. *The General Assembly of the State of Georgia do enact,* That the repealing Act, of which the above is the caption thereto,

Repealing Act repealed.

assented to the 15th of December, eighteen hundred and sixty-two, be, and the same is hereby repealed.

Approved 17th March, 1866.

TITLE XV.

DISTILLATION.

SEC. I. Acts prohibiting distillation repealed.

(No. 110.)

An Act to repeal all laws heretofore passed, by the General Assembly of the State of Georgia, prohibiting the distillation of corn, wheat, potatoes, rye, peas, &c., into spirituous liquors.

Acts repealed.

1. SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That all Acts, and parts of Acts, heretofore passed by the General Assembly of the State of Georgia, prohibiting the distillation of corn, wheat, potatoes, and all other kind of grain, or material, out of which spirituous liquors are made, be, and the same are hereby repealed.

SEC. II. Repeals conflicting laws.

Approved 6th March, 1866.

TITLE XVI.

DOGS.

SEC. I. Owner or possessor of Dog killing or injuring stock, liable for damages.

(No. 111.)

An Act to make the owners and possessors of mischievous Dogs, or persons having charge of the same, liable for damages, and for other purposes.

Owner or possessor of dog killing or injuring stock liable for damages.

1. SEC. I. *Be it enacted, &c.*, That if any Dog, not being at the time, on the premises of the owner, possessor, or person having charge thereof, shall kill or injure any hogs, cattle, sheep, goats, or other live stock, the property of any other person, then and in such case, the owner, or person possessing, or having such Dog in charge, shall be liable to be sued in any Court having jurisdiction thereof, for such damages as may have been sustained, by the killing or maiming of any hogs, cattle, sheep, goats, or other live stock, so killed or injured, and full costs of suit.

SEC. II. Repeals conflicting laws.

Approved 15th February, 1866.

TITLE XVII.

EDUCATION.

SEC. 1. Justices Inferior Court to issue Certificates. To bear interest. When due. Form of.
" 2. Rate of payment of Teachers.
" 3. Tax may be levied.
" 4. Act of 3rd March, 1865, repealed.
" 5. Exemptions of Teachers, &c.
" 6. Permanent Board of Education for Savannah.
SEC. 7. Board incorporated. Powers.
" 8. May control certain buildings and grounds.
" 9. Receive Educational Fund.
" 10. Limited to Savannah.
" 11. Conflicting laws repealed as to Savannah, and Chatham county.

(No. 112.)

An Act to provide for the payment of Teachers of Common Schools for the year eighteen hundred and sixty-five.

WHEREAS, In many of the counties of this State no payment has been made the teachers of Common Schools for the year eighteen hundred and sixty-five, or for a large portion of said year; *And Whereas*, the great majority of said Teachers are persons in indigent circumstances, who are unable, without suffering, to wait for payment until the funds can be raised under the operation of the laws now of force: Preamble.

1. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That it shall be the duty of the Justices of the Inferior Court of each county in this State, at a meeting to be held on the first Monday in March next, or as soon thereafter as practicable, to issue certificates of indebtedness for the Teachers of Common Schools in each of said counties for the amounts which may be due them for teaching during the year eighteen hundred and sixty-five, or any portion of said year, which certificates shall bear interest at the rate of six per cent per annum, from the first day of January, eighteen hundred and sixty-six, and become due and payable on the first day of January, eighteen hundred and sixty-seven: said certificates shall be made payable to the Ordinary, as Treasurer of the Common School Fund, or bearer, and shall be placed in the hands of said Ordinary, as such Treasurer, for the purpose of making payments to said Teachers under the laws now of force regulating the payment of Teachers of Common Schools. Justices shall issue certificates of indebtedness. Certificates shall bear interest, when due. To whom payable.

2. SEC. II. The rate at which Teachers of poor children shall be paid for said year, eighteen hundred and sixty-five, shall not be less than seven cents, per day, for each scholar, between the ages of six and eighteen, in actual attendance. Rate of payment.

3. SEC. III. That the Justices of the Inferior Courts of the several counties in this State be and they are hereby authorized to levy and collect, in addition to all other taxes now allowed by law, such Justices authorized to levy tax.

per cent upon the State tax of their respective counties as may be necessary to redeem the certificates issued by them, in conformity with the provisions of this Act.

SEC. IV. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 113.)

An Act to repeal An Act entitled An Act to increase the per diem pay of Teachers entitled to the benefit of the Poor School Fund of this State, assented to 3rd March, 1865, and for other purposes.

Act of 3rd March, 1865, repealed.

4. SECTION I. *The General Assembly of the State of Georgia do enact,* That from and immediately after the passage of this Act that the above recited Act be and the same is hereby repealed.

II. Repeals conflicting laws.

Approved 21st February, 1866.

NOTE.—The Act of 3rd March, 1865, authorized Educational Boards, of the several counties of this State, to allow the Teachers of children entitled to the benefits of the Poor School fund, the same per diem pay for teaching said children, as is charged by them for teaching other children pursuing similar branches of study; *Provided*, said charge shall not exceed seventy-five cents per day.

The Act of December 14th, 1863, is in almost the same words, but with the *Proviso* that said charge shall not exceed sixteen cents per day.

(No. 114.)

An Act to exempt Professors of Colleges, and Teachers of Public or County Schools from Road and Jury duty.

Exemption.

5. SECTION I. *The General Assembly of the State of Georgia do enact,* That all Professors of any College, or Teacher of any County or Public School in this State are hereby exempted from all road and jury duty, so long as they are engaged in teaching.

SEC. II. This Act shall shall take effect from and immediately after its passage.

SEC. III. Repeals conflicting laws.

Approved 23rd February, 1866.

(No. 115.)

An Act to establish a permanent Board of Education for the city of Savannah, and to incorporate the same, and for other purposes.

Permanent Board of Education for Savannah.

6. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this Act there shall be established in and for the city of Savannah, a permanent Board of Education, to be styled the "Board of

Public Education for the city of Savannah," whose design and purpose shall be the direction, management and superintendence of the Public Education of white children in the said city, between the ages of six and eighteen years.

7. SEC. II. That the following named citizens of Savannah, Richard D. Arnold, John Stoddard, Solomon Cohen, Henry Williams, Edward J. Harden, John Villalonga, John Williamson, Edward C. Anderson and John C. Ferrill, together with the Commissioners of the Massie School, who may from time to time be appointed, under the Ordinances of said city, shall constitute the said Board, and under the name and style aforesaid shall be, and they are hereby created a body politic and corporate, with perpetual succession of members for the purpose aforesaid, and as such shall have full power and authority to devise, establish and modify from time to time, a plan and system of education for white children, between the ages of six and eighteen years, in the city of Savannah, and to superintend the same; to appoint, suspend and remove teachers of such children, and provide school houses, to make by-laws, rules and regulations for their own government, and for the government of the teachers and schools under their superintendence, to designate and elect officers of the said Board, and to fill vacancies, (except vacancies among the commissioners of the Massie School,) in any manner whatever caused, either among officers or members of the said Board, and to take, acquire, receive, hold and enjoy, for the purposes aforesaid, moneys and real and personal estate, by bargain and sale, gift, grant, contract, devise or bequest, and that they as such body corporate, and by the name and style aforesaid, may sue and be sued, and may have a common seal, and otherwise generally shall be clothed with all the rights, powers and privileges incident to corporations, and necessary or convenient for carrying out the purposes of their creation.

Board of Education incorporated.

Powers.

8. SEC. III. That the said Board and corporation shall, for the purposes aforesaid, have possession and control of the building in Savannah known as the "Public School," with the grounds appertaining thereto, of the building known as the "Massie School," with the grounds appertaining thereto, and of all and any other buildings and grounds that may be placed in their possession, or under their management, control and superintendence, for the purposes aforesaid, without divesting or changing nevertheless the title to any of the said buildings or grounds, unless the same shall be distinctly conveyed to the said Board.

Control of buildings.

Title does not divest.

9. SEC. IV. That the said Board and corporation shall be entitled to demand and receive for the purposes aforesaid, from the Treasurer of the Board of Education of Chatham county, and from every other State or County officer, or person who may be in possession [of] or authorized to distribute the Educational Fund for the said County, so much of the said Fund as shall be in proportion to the number of white children of said County, residing in the city of Savannah, and also to demand and receive such sums as may be ap-

May demand and receive Educational Fund.

propriated by the City Council of Savannah, for the purposes aforesaid, and to expend the same, for the purposes aforesaid, according to their discretion.

Limit of powers.

10. SEC. V. That nothing in this Act contained shall be held or construed to divest or diminish the rights and powers of the Board of Education for the county of Chatham, as to so much of the said County as is not embraced within the extended limits of the city of Savannah.

Repeal as to Savannah and Chatham county.

11. SEC. VI. All laws and parts of laws militating against this Act be, and the same are hereby repealed, so far as relates to the city of Savannah, and county of Chatham.

Approved 21st March, 1866.

TITLE XVIII.

ELECTIONS.

Sec. 1. General oath of voter.
" 2. When voting in circuit or district, but out of county of residence.
Sec. 3. Voting for Governor.

(No. 116.)

An Act to prescribe the oath to be administered to voters for members of the General Assembly, Governor of this State, members of Congress, Judges of the Superior Courts, State's Attorney and Solicitors General, and county officers.

General oath by voter.

1. SEC. I. *Be it enacted*, That the oath to be administered to voters for members of the General Assembly, Governor of this State, members of Congress, Judges of the Superior Courts, State's Attorney and Solicitors General, and county officers, when required by the managers of an election, shall be as follows: "I swear that I have attained to the age of twenty-one years; that I am a citizen of the United States, and have resided for the last two years in this State, and for the last six months in this county, and have considered and claimed it as my home, and have paid all legal taxes which have been required of me, and which I have had an opportunity of paying, agreeable to law, for the year preceding this election: So help me God."

Voting in circuit or district but out of County of residence.

2. SEC. II. A voter under section 1224 of the Code shall take the following oath, when required by the managers of an election: "I swear that I have attained to the age of twenty one years; that I am a citizen of the United States, and have resided for the last two years in this State, and for the last six months in this

District or Circuit, (as the case may be) and have considered and claimed it as my home, and have paid all legal taxes which have been required of me, and which I have had an opportunity of paying, agreeable to law, for the year preceding this election: So help me God."

SEC. III. When any voter shall offer to vote for Governor, out of the county of his residence, he shall take, if required, the oath last above specified, except that he shall not be required to swear to his residence for the last six months in the county, District or Circuit. Voting for Governor out of County of residence.

SEC. IV. Repeals conflicting laws.

Approved 9th February, 1866.

TITLE XIX.

EVIDENCE.

Sec. 1. When ledger used as book of original entry.
" 2. Lost papers, how establish copies. Notice and oath.
" 3. When party remitted to former remedies.
Sec. 4. Record to bear what date.
" 5. Act in force twelve months.
" 6. Acts of Notaries Public made valid.

(No. 117.)

An Act to alter the Rules of Evidence in certain cases.

WHEREAS, In many of the counties of this State, overrun by the enemy in the late war, merchants and persons having accounts have, in consequence of said invasion, lost their original books of entry, so that they cannot be produced in the Courts to prove the accounts therein charged, Preamble.

1. SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That when any plaintiff, seeking to collect his accounts, shall swear that, in consequence of the invasion of the enemy, his original books of entry have been unavoidably lost or destroyed, so that they cannot be produced in Court, it shall be lawful for him to introduce his ledger or other book or books in which said accounts have been copied, to be used as his original book or books of entry, and that the defendant shall have the same right to contest the correctness of said books as he would have had to the books of original entry, had they been produced. Leger may be used as original books of entry in certain cases.

SEC. II. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 118.)

An Act amendatory of the law relating to the establishment of lost papers.

2. SEC. I. *The General Assembly of the State of Georgia do enact,* That from and after the passage of this Act, the owner or legal representative of any bond, bill, note, draft, check or other evidence of indebtedness, which has been lost or destroyed, may establish a copy thereof by giving personal notice at least ten days previous to the day appointed, which notice shall contain a copy of the paper to be established, which notice shall be served on the party against whom said indebtedness is sought to be established, and by making oath before some officer authorized to administer an oath, that he is the owner of such paper, and that the same has been lost or destroyed; a copy thus established, with said affidavit attached, may be used in any Court of this State, in lieu of the lost original.

Copy established.

Notice and oath.

3. SEC. II. That if any party who is liable for the payment of said lost paper, in whole or in part, or whose interests are affected by the establishment of said paper, shall make oath that the said paper never existed, or that the same has been paid off or discharged, the party seeking to establish the same in the summary manner herein provided, shall be remitted to the remedies heretofore provided by law.

When party remitted to former remedy.

Approved 7th March, 1866.

(No. 119.)

An Act to define and provide for proving the time from which records shall be counted, in cases where the recording has been or may hereafter be delayed, from the want of books in the proper office.

4. SEC. I. *The General Assembly of the State of Georgia do enact,* That in all cases where the recording of any paper, which needs record under the laws of this State, has been or may hereafter be delayed, from want of record books in the proper office, and such recording is afterwards completed, it shall be counted and considered as having been done at the time when the paper was offered for that purpose; and an endorsement on the paper by the proper recording officer, of the time when it was so offered, shall be legal evidence of the fact.

Date of record.

5. SEC. II. This Act shall take effect from the time of its passage, and shall be in force for twelve months and no longer.

In force for 12 months.

SEC. III. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 120.)

An Act to legalize and make valid certain acts of Notaries Public in this State, and for other purposes.

WHEREAS, Many Notaries Public of this State, since the expiration of the time for which they were appointed, have attested deeds and other instruments of writing, requiring official attestations; *And whereas*, many such deeds and instruments of writing have been recorded in the various counties of this State, both the officer attesting such deeds and instruments of writing, and the recording officer, as well as the parties at interest, being ignorant of the law relative to the appointment of Notaries Public, and as the law now stands, such attested deeds and other instruments of writing lack validity; in remedy whereof, Preamble.

6. SEC. I. *The General Assembly of the State of Georgia do enact*, That all deeds and instruments of writing so attested previous to the passage of this Act, be, and the same are hereby, declared legal and valid, as though they had been attested as is now the custom and usage by law in this State. Acts of notaries made valid.

SEC. II. This act shall go into operation immediately upon its approval by His Excellency, the Governor of this State, and all conflicting laws are hereby repealed.

Approved 17th March, 1866.

TITLE XX.

EXECUTORS, ADMINISTRATORS, &c.

Sec. 1. Temporary letters. Bond in double amount of personal property.
" 2. Orders to sell property.
" 3. Admrs. &c., retain for expenses of year. No interest on. Interest on balances. On advances. Proviso as to annual returns.
" 4. No interest to be charged first year.
" 5. Final settlement. Expenditures. Commissions.
" 6. Ordinary may direct division of lands. Proviso.
Sec. 7. Administrators who invested in State or Confederate securities.
" 8. Admrs. relieved when estate rendered insolvent by emancipation.
" 9. Acts and sales ratified. Proviso as to new trial and appeal.
" 10. Contracts of Admrs. &c., made valid.
" 11. May make further contract for labor. A charge on the estate.
" 12. Bonds of trustees to be made payable to Ordinary. Duty of Ordinary.

(No. 121.)

An Act to authorize the Ordinaries of this State to issue temporary letters of administration, and to require the party to whom issued only to give bond and security for double the value of the property other than real estate, and for other purposes.

1. SEC. I. *The General Assembly of the State of Georgia do enact*, That after the passage of this Act, it may be lawful for the Ordi-

Temporary letters.

naries of this State to issue temporary letters of administration upon estates, upon the party or parties to whom such administration is granted, giving good and sufficient bond, with security, for double the amount of all the personal property belonging to such estate, other than real estate.

Bond for double amt. of personal property.

2. SEC. II. That the Ordinaries may, when it is made to appear to be to the interest and advantage of estates, grant orders for the sale of such property by such administrators, under such rules as govern administrators, with permanent letters of administration.

Orders for sale.

SEC. III. Repeals conflicting laws.

Approved 17th March, 1866.

(No. 122.)

An Act to define the liability of Executors, Administrators, Guardians and Trustees in certain cases, and regulate the settlement with the same.

Preamble.

WHEREAS, Doubts exist as to the manner in which interest should be charged against Executors, Administrators, Guardians and Trustees in final settlement with said parties; therefore,

3. SEC. I. *The General Assembly of the State of Georgia do enact*, That from and after the passage of this Act, it shall and may be lawful for any Executor, Administrator, Guardian or Trustee, in the management of an estate, to retain in his hands, at the beginning of each year, an amount of money sufficient to pay the current expenses of said year, upon which amount no interest shall be charged in final settlement. The said Executor, Administrator, Guardian or Trustee shall, however, pay interest upon all balances left in hand at the beginning of each year, over and above the payment of expenses for said year, the same to be ascertained and computed in final settlement. And when it shall so happen that at the beginning of any year, an Executor, Administrator, Guardian or Trustee shall not have an amount in hand sufficient to pay the current expenses of said year, and his annual returns show that fact, he shall be allowed to charge in final settlement, interest upon the amount thus advanced by him during the year; *Provided*, that nothing herein contained shall be so construed as to alter the manner of making out annual returns in this State, it being the intention and meaning of this Act, that annual returns of Executors, Administrators, Guardians and Trustees shall be made out as heretofore practiced in this State, and that the reservations, charges and computations of interest contemplated by this act shall be made when said parties come to make a statement for final settlement.

Executors &c may retain sufficient money to pay current expenses of year. No interest charged.

Interest shall be paid on balance.

Allowed interest on amt. advanced. Proviso.

4. SEC. II. That no interest shall be charged either way for the first year, as one year is now allowed by law, for the collection of assets, and to ascertain the indebtedness of an estate. The rate of interest charged against Executors, Administrators, Guardians and Trustees shall be the same as that now regulated by law.

No interest shall be charged for 1st year.

Rate of interest.

5. SEC. III. All statements for final settlement with Executors, Administrators, Guardians and Trustees shall hereafter be made out upon the basis set forth in this Act. The expenditures and receipts of each year are to be ascertained by reference to the annual returns, and in all cases the Commissions annually shall be considered as a part of the annual expenses.

Final settlement, how made.

Expenditures how ascertained.

SEC. IV. Repeals conflicting laws.

Approved 17th March, 1866.

(No. 123.)

An Act making provision for the division, in kind, of lands belonging to the estates of deceased persons, and lying in several counties, and to protect the rights of minors in the same.

WHEREAS, There is no adequate provision by law, for a division, in kind, of the lands of estates of deceased persons which lie in several counties, and the interests of minor distributees in the same are liable to be impaired and sacrificed by a sale of the same during the prevalence of a depreciated currency, therefore,

Preamble.

6. SEC. I. *The General Assembly do enact*, That upon the application of the legal representative of any deceased person whose estate consists wholly, or in part, of lands lying in several counties of this State, to the Ordinary of the county, when said representative makes his returns showing that said estate is in readiness for distribution, and that the same cannot be made without prejudice or loss to the minor distributees thereof, except by the division of the lands of said estate in kind, it shall and may be lawful for the Ordinary of said county, in his discretion, to pass such order as to him shall seem most adequate to secure a just and equal division, in kind, of the lands of said estate among all parties in interest; *Provided*, That said representative shall give such notice of his application aforesaid, as is required by law in the case of a division of estates in kind.

Ordinary may direct division of lands.

Proviso.

Approved 12th March, 1866.

(No. 124.)

An Act for the relief of Administrators, Executors, Guardians and Trustees, and for other purposes.

7. SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority aforesaid*, That all Administrators, Executors, Guardians and Trustees, who, in pursuance of any order, judgment or decree, of any Court having jurisdiction, or of any law of this State, did *bona fide* invest the funds of the estates they represent in the bonds, notes or certificates of the State of Georgia, or of the Confederate States of America, be, and they are hereby relieved from all the penalties of mismanagement, misappropriation or misapplication of the funds of the estates

Administrators, &c., who invested in State or Confederate States bonds relieved.

they represent, by reason of such investments. That all Administrators, Executors, Guardians and Trustees claiming the benefit of the provisions of this Act shall, before making their final settlement, make oath before the Ordinary of the county in which they have heretofore made their returns, showing what funds of the estates they represent they have so invested, and shall also swear that the notes, bonds or certificates so held by them are the same kind of currency which they received for the estates they so represent.

Shall make oath.

SEC. II. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 125.)

An Act for the relief of Administrators, Executors, Guardians and Trustees, in certain cases.

WHEREAS, Administrators, Executors, Guardians and Trustees, in the administration of estates supposed to be solvent, have, during the late war, paid some creditors in full, or in part, supposing that the slave property in their possession would be ample for the payment of all debts due by the intestate; *And Whereas*, the emancipation of slaves has rendered many of such estates insolvent:

Preamble.

8. SEC. I. *Be it enacted, &c.*, That no Administrator, Executor, Guardian, or Trustee, shall be chargeable in his own person or property, by reason of having paid some creditors in full, or in part, when others are now excluded on account of the emancipation of slaves having rendered said estate insolvent, but the said Administrator, Executor, Guardian or Trustee shall be exonerated from liability to the extent of such negro property.

Administrators, &c., relieved from liability when estate rendered insolvent by emancipation.

SEC. II. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 126.)

An Act to ratify certain acts of Executors, Administrators, Trustees, and Guardians, and of Judicial and Ministerial officers, and for other purposes therein mentioned.

9. SECTION I. *The General Assembly of the State of Georgia do enact*, That all the acts and sales of Executors, Administrators, Trustees and Guardians, and of Judicial and Ministerial officers, had, done and performed and made *bona fide* in pursuance of, and under color of law, since the 19th day of January, A. D. 1861, or in pursuance of any judgment, decree, or order, of a Court of competent jurisdiction of this State, be, and the same are hereby ratified and confirmed; subject, however, to the right of appeal and supersedeas according to law, *Provided*, that in cases in which judgments or de-

Acts and sales ratified.

Subject to. Right of appeal. Proviso.

crees have been rendered in Courts of Record in this State, since the 19th day of January, A. D. 1861, the party against whom such judgment has been rendered, shall be entitled to a new trial or appeal, on affidavit that he was unavoidably absent from the Court at the time of the rendition of the judgment, *Provided* the Court shall be satisfied from all the facts which may be submitted by affidavit by both parties that such good and meritorious defence exists, and that such application for new trial or appeal shall be made within twelve months after the passage of this Act. As to new trial and appeal.

SEC. II. Repeals conflicting laws.

Approved 6th March, 1866.

(No. 127.)

An Act to legalize certain contracts made by Executors, Administrators, Guardians, and Trustees, with persons of color, and white persons, and authorize the making of such contracts in the future, and prescribe the effect of the same.

10. SECTION I. *The General Assembly of the State of Georgia do enact,* From and after the passage of this Act that all contracts heretofore made, in good faith, by Executors, Administrators, Guardians and Trustees, for labor or service, with persons of color or with white persons, for the benefit of the estate, ward or *cestui que trust,* respectively represented by them, shall not be void for want of authority in said Executors, Administrators, Guardians and Trustees, to make the same, but all such contracts shall be placed upon the same footing, and have the same effect, as contracts made by authority of law, and the acts of all such Executors, Administrators, Guardians and Trustees, in making the same are hereby legalized and confirmed. Contracts of Executors, &c., made valid.

11. SEC. II. It shall and may be lawful hereafter for all Executors, Administrators, Guardians and Trustees to make contracts for labor or service with persons of color or with white persons, for the benefit of the estate, ward or *cestui que trust,* respectively represented by them, upon such terms as they may deem best, and all such contracts made in good faith shall be a charge upon and bind the estate, ward, or *cestui que trust,* respectively represented by them whenever the same are approved by the Ordinary of the county. Executors, &c., may contract for labor. Contract charge upon estate.

SEC. III. Repeals conflicting laws.

Aproved 12th March, 1866.

(No. 128.)

An Act relative to Bonds of Trustees.

12. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That all bonds given by Trustees shall be made pay-

Bonds made payable to Ordinary. Duty of Ordinary.

able to the Ordinary of the county where the Judge requiring said bond shall determine, and that such Ordinary shall act in relation to taking such bond and receiving security, as said Judge may direct.

Approved 24th February, 1866.

TITLE XXI.

HEALTH AND QUARANTINE.

Sec. 1. Inferior Court or corporate authorities may provide Small Pox Hospitals. Quarantine regulations.
" 2. To keep account of expenses.
Sec. 3. Debts contracted to be paid by extra tax.
" 4. Governor to procure Vaccine matter.

(No. 129.)

An Act to prevent the spread of Small Pox in this State.

Preamble.

WHEREAS, The Small Pox has been introduced, and is likely to spread into every county in this State, thereby causing great expense and trouble to the people:

Inferior Ct. or corporate authorities may provide Hospital.

1. SEC. I. *Therefore be it enacted, &c.*, That the Justices of the Inferior Court of each county, or the corporate authorities of any town, or city, in this State, within the limits of which any case or cases of Small Pox may appear, or has appeared, are hereby authorized and empowered to provide a suitable Hospital for those so afflicted, and to furnish them with medical, and any other attention that, in their judgment, those so afflicted may require, also to provide proper quarantine regulations to prevent the spread of said disease, *Provided*, that no person, or persons, shall be forced to leave his, or her home, to go to said Hospital, when they are properly provided for and guarded at their own expense. Said Court shall not pay any expense of any case so situated.

Quarantine regulations.

Persons properly provided for, not forced to go to Hospital.

Account of expenses.

2. SEC. II. That said Court or corporate authorities shall make, or cause to be made, a proper and just account of all expenses accruing from said quarantine, and other attention, either medical or nursing, of all of whom they have under their control, and who submit to the regulations of said Court, or corporate authorities.

To be paid by extra tax.

3. SEC. III. That the Inferior Courts, and the said corporate authorities in the several counties and cities of this State be and are hereby authorized to levy an extra tax sufficient to pay all just, equitable debts contracted under the provisions of this Act.

Governor to procure Vaccine matter.

4. SEC. IV. That His Excellency, the Governor, be, and he is hereby requested and required to procure the necessary quantity of genuine Vaccine matter, at such reasonable compensation as he

may contract for, and have the same transmitted to the Justices of the Inferior Courts of each county in this State for immediate use.

SEC. V. Repeals conflicting laws.

Approved 5th February, 1866.

TITLE XXII.

JOINT STOCK COMPANIES.

I. BANKS.
II. BUILDING AND LOAN.
III. CANAL, &C.
IV. EXPRESS.
V. GAS LIGHT.
VI. INSURANCE.
VII. LAND AND LUMBER.
VIII. MANUFACTURING.
IX. MINING.
X. MINING AND MANUFACTURING.
XI. MEDICAL COLLEGE.
XII. RAIL ROAD.
XIII. SHELL ROAD.
XIV. STEAMBOAT.

I. BANKS.

ACT.
No. 130. CITY LOAN ASSOCIATION AND SAVINGS BANK OF AUGUSTA.
" 131. LAGRANGE SAVINGS BANK.
" 132. MECHANICS SAVINGS ASSOCIATION OF THE CITY OF COLUMBUS.
" 133. MECHANICS SAVINGS BANK OF AUGUSTA.
" 134. PLANTERS LOAN AND BANKING ASSOCIATION.
" 135. SAVINGS BANK OF AUGUSTA.
" 136. SAVINGS BANK OF SAVANNAH.
" 137. SOUTHERN SAVINGS BANK AND COMMERCIAL AGENCY.
" 138. SOUTHERN BANK OF AMERICA.

(No. 130.)

An Act to incorporate the City Loan Association and Savings Bank of Augusta.

SEC. I. *The General Assembly of the State of Georgia do enact,* That Henry Myers, M. H. Howard, F. C. Barber, Joseph T. Carr, John E. Marley, W. A. Ramsey, William C. Barber, and John Kenny, or any four of them, who may organize under this Act, are, with their associates, and successors, hereby constituted a body politic and corporate, to receive deposits of money on interest, or for accommodation, and to loan the same, under the name and style of the "City Loan Association and Savings Bank of Augusta", and by this name and style are hereby invested with the following rights, powers and privileges, and made subject to the following restrictions:

Incorporated.

Name.

Capital stock. SEC. II. The capital stock of said Company, shall be one hundred thousand dollars, and divided into shares of fifty dollars each, with the privilege of increasing the same to any sum not exceeding four hundred thousand dollars, as may be deemed expedient by them, to meet the wants of the community, and the said capital stock shall stand pledged as a fund, for the security of deposits.

Powers, &c. SEC. III. The Stockholders shall have power to make rules, regulations, and by-laws, for the management and direction of the affairs of the corporation, and in accordance with the laws of this State, through their properly constituted officers. They shall have power and authority to have, and use a corporate seal, and to alter the same, to sue, and be sued, plead, and be impleaded, to hold, possess, and enjoy property, real, personal, and mixed, and sell, transfer, and convey, the same, and to receive, and hold, and dispose of any and of all property, conveyed or mortgaged, as security for any loan or debt, to discount notes, and levy and sell bills of exchange, and no member of said corporation shall transfer any portion of his or her shares, or interest therein, without the consent of the directors, unless all debts and loans, due from them, shall be paid, and the said company shall do all things which they shall deem needful, for the safe and successful management of the corporate business. They may issue certificates to depositors, but shall not issue notes or bills as a circulating medium. This corporation may commence business so soon as fifty per cent in each share subscribed for, is paid in.

May hold property.

Discount notes, &c.

Not to issue bills.

Liability of stockholders. SEC. IV. The stockholders shall be bound to the extent of their unpaid stock, for the deposits in their corporation, for twelve months after the same may be transferred to any other person; *Provided*, That if the Stockholder so transferring his stock, shall advertise for six months in some newspaper published at the place where the said corporation does its chief business, he shall be released from all liabilities, except as to creditors, who may sue within said six months.

Proviso.

SEC. V. The act shall take effect from the time of its passage.

SEC. VI. Repeals conflicting laws.

Approved 21st March, 1866.

(No. 131.)

An Act to incorporate the LaGrange Savings Bank.

Incorporation. SEC. I. *Be it enacted, &c.*. That F. A. Frost, B. H. Hill, R. A. T. Ridley, Jesse McLendon and Thomas J. Thornton, and their associates and successors, be constituted a body corporate to receive deposits of money, with or without interest, and to loan the same, under the name and style of the "LaGrange Savings Bank", and its chief office at LaGrange Georgia. And by this name and style, are hereby invested with the following rights, powers, and privileges, and made subject to the following restrictions:

Name. Chief office.

SEC. II. The capital stock shall be twenty-five thousand dollars, divided into shares of one hundred dollars each, with the privilege of increasing it to any sum, not exceeding one hundred thousand dollars, as may be deemed expedient by them, to meet the wants of the community. The said capital stock shall be a fund pledged for the security of deposits. Capital stock. Pledged.

SEC. III. There shall not be less than five Stockholders, and in all elections for officers, and in all votes upon any matter which may come before the Stockholders, each Stockholder shall be entitled to one vote for each share of one hundred dollars, owned by him, her, or them. No. of stockholders. Votes.

SEC. IV. The Stockholders shall have power to make rules, regulations and by-laws, for the management and direction of its affairs, and in accordance with the laws of this State, through their properly constituted officers. They shall have power and authority to do all things which they may think needful, for the safe and successful management of the institution. They may issue certificates to depositors, but shall not issue notes or bills as a circulating medium. Powers. Not to issue bills.

SEC. V. The Institution shall go into operation as soon as the capital stock shall have been paid in, but not before. This charter shall continue for thirty years. When commence. Duration.

SEC. VI. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 132.)

An Act to amend an Act, entitled an Act, to incorporate the Mechanics Savings Association, of the city of Columbus, assented to April 13th, 1863.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That wherever the words "Confederate States" occur in said charter, the same shall be stricken out, and the words "United States" inserted in lieu thereof. Striking out and inserting.

SEC. II. That whenever the business of the said Association shall justify an increase of capital, the same may be increased from time to time by the vote of a majority of the Stockholders, so that the same shall not exceed forty thousand shares. Increase of capital.

SEC. III. Repeals conflicting laws.

Approved 23rd February, 1866.

(No. 133.)

An Act to incorporate the Mechanics Savings Bank of Augusta.

SEC. I. *The General Assembly of the State of Georgia do enact,* That Henry Moore, Porter Fleming, John H. Baker, John D. Butt, George McCord. C. A. Rowland, John Craig, Charles Estes, W. E.

Jackson, and George T. Jackson, or any five of them, who may organize, under this Act, and [are?] with their associates and successors, hereby constituted a body corporate and politic, to receive deposits of money on interest, or for accommodation, and to loan the same, under the name and style of the "Mechanics Savings Bank of Augusta", and by this name and style are hereby invested with the following rights, powers, and privileges, and made subject to the following restrictions:

Incorporated.

Name.

SEC. II. The capital stock of said Company shall be two hundred thousand dollars, divided into shares of fifty dollars each, with the privilege of increasing the same to any sum, not exceeding four hundred thousand dollars, as may be deemed expedient by them, to meet the wants of the community, and the said capital stock shall stand pledged as a fund for the security of deposits.

Capital stock.

SEC. III. The Stockholders shall have power to make rules, regulations, and by-laws, for the management and direction of the affairs of the corporation, and in accordance with the laws of this State, through their properly constituted officers. They shall have power and authority to have and use a corporate seal, and to alter the same, to sue and be sued, plead and be impleaded, to hold, possess, and enjoy property, real, personal or mixed, and sell, transfer and convey the same, to discount notes, and buy and sell bills of exchange, and to do all things which they may deem needful, for the safe and successful management of the corporate business. They may also issue certificates to depositors, but shall not issue notes or bills as a circulating medium. This Bank may commence business so soon as fifty per cent on each share subscribed for, is paid in.

By-laws.

Powers.

Not to issue bills.

Commence business, when.

SEC. IV. This Act shall take effect from the time of its passage, and continue in force for thirty years.

Duration.

SEC. V. Repeals conflicting laws.

Approved 21st March, 1866.

(No. 134.)

An Act to incorporate the Planters Loan and Banking Association.

SEC. I. *The General Assembly of the State of Georgia do enact*, That Walter Goodman, Ayers P. Merrill, Jr., George M. Miller, J. Q. A. Odor, J. J. Porter, John Richardson, John Jackson of Albany, E. S. Greenwood, Thomas Hardeman, Jr., Robert Paris, Robert H. May and H. B. Plant, and such other persons as may hereafter be associated with them, and their successors and assigns, are hereby constituted a body corporate, under the name of the "Planters Loan and Banking Association", and by that name shall have perpetual succession, and may sue or be sued, in any Court whatever, with such powers and privileges as are hereinafter provided.

Incorporation. Name.

SEC. II. That the capital stock of said Association shall not exceed five millions of dollars, divided into shares of one hundred

Capital stock.

dollars each; but when one hundred thousand dollars thereof, shall have been actually subscribed, and fifty thousand dollars paid in, in cash, the said Association may organize, and proceed to business, under this Act.

SEC. III. That the said Association shall have power to make advances to Planters, for the purpose of developing the agricultural interests of the State, upon loans, mortgages, or part interest in the crops to be raised. It shall also have power to receive deposits of money and other valuables and issue certificates therefor, to buy and sell bonds, bills of exchange, and promissory notes, and to advance and loan moneys, securities and credits, may charge and receive commission on advances of money, and negotiating loans upon such terms and conditions, and at such rates of interest not exceeding the rate of——per annum, as may be agreed upon between said Association, and the party or parties buying or selling such bonds, bills of exchange, and promissory notes, or borrowing or receiving such moneys, securities or credits, and such rates of interest may be made payable in money or in a share of the products or profits of the property given or pledged as security for such loans and advances, or partly in money, and partly in a share of such products or profits, without creating any partnership or joint liability, between said Association and said party, or parties; and said Association shall have power to take and hold as security for, or in payment of any loans or advances made, mortgages, or other instruments, or obligations upon, or affecting real, personal or mixed property, and may cancel or assign the same; and said Association shall have power to purchase, hold, sell, exchange, and convey lands, or other property of any nature, and may execute and issue all such receipts, certificates, contracts, or other instruments. as may be necessary for the transaction of its business. Said Association may, at their discretion, guarantee the payment of the principal or interest, or both, on any notes, bonds, bills of exchange, or other evidence of debt of individuals or bodies corporate, and receive such compensation therefor as may be agreed upon between the parties.

Power to make advances.

Receive deposits.

Loan money, &c.

Rate of interest.

How payable.

Mortgages.

May hold real estate.

Guarantee payment of notes, &c.

SEC. IV. That the said Association shall have power to receive moneys in trust or on deposit, and to invest or accumulate the same at such rate of interest as may be obtained or agreed on, or to allow such interest thereon as may be agreed; shall have power to accept and execute all such trusts of every description, as may be committed to them by any person or persons, whatsoever, or any corporation, or may be committed or transferred to them by order of any Court; and shall have power to take and accept by grant, assignment, transfer, devise, or bequest, and hold any real, or personal estate on trusts, created in accordance with the laws of this State, and execute such legal trusts in regard to the same on such terms as may be declared, established, or agreed upon in regard thereto.

Receive and invest deposits.

Trusts.

SEC. V. That the business and corporate powers of said Association shall be exercised by a board of not less than nine, nor more than twenty-one directors, to be chosen as hereinafter provided; who shall elect from their number a President, and may declare by by-law, what number of said directors shall be a quorum for the transaction of business.

Directors.

SEC. VI. That Walter Goodman, Ayers P. Merrill, Jr., George M. Miller, J. Q. A. Odor, and J. J. Porter, John Richardson, John Jackson of Albany, E. S. Greenwood, Thomas Hardeman, Jr., Robert Paris, Robert H. May, and H. B. Plant, named in the first section of this Act, shall be, and they are hereby appointed Commissioners to open books for subscription to the capital stock of said Association, at such time and place, and for such amounts, as they, or a majority of them, shall deem proper, but for no less amount of subscription than one hundred thousand dollars, as hereinbefore provided. The persons named in the first section of this Act shall be directors of said Association, for one year after the passage of this Act, and until others shall be elected in their stead; the remaining directors for the same period shall be elected by a majority in interest of the Stockholders of said Association voting at an election to be held under the inspection of said Commissioners, at such place as they may designate, within twenty days from the closing of the subscription called for by them; and such directors, when elected, together with the persons named in the first section of this Act, who shall become directors of said Association, as hereinbefore provided, shall divide themselves by lot, into three classes, as nearly equal as may be. The term of office of the first class shall expire at the end of one year from the passage of this Act; that of the second class at the end of two years thereafter; and that of the third class at the end of three years thereafter; and at the end of said first year, and annually thereafter, there shall be chosen a number of directors equal to the number of directors in the class whose term will then expire, who shall hold their office for three years, or until their successors are elected. Vacancies occurring in the board of directors, during the intervals of elections, shall be filled by said board.

Commissioners. To open books of subscription.

First Directors.

Classes and terms of Directors.

Vacancies.

SEC. VII. That the board of directors shall have power to establish agencies for the transaction of the business of said Association, at any place they may think proper, and to appoint all such agents, officers or employees, as may be considered necessary, and may delegate power to transact any of its business, to committees of directors, or to its officers or agents, as it shall deem proper; and said board of directors may, by a majority of their whole number, make such by-laws, not inconsistent with the Constitution (and laws) of this State, as may be deemed necessary for the management of the property, the government of the officers, and the regulation and conduct of the affairs of said Association; and may adopt a corporate seal, and change the same at pleasure.

Agencies.

By-laws.

Seal.

SEC. VIII. That the minutes of the proceedings of the board of

directors, shall be kept, and the same shall be entered in a book to be provided for that purpose, and signed by the President, or acting Chairman, or Secretary. Stockholders shall be entitled to certificates of their respective shares of capital stock, which shall be transferable as provided in such certificates; and the board of directors shall cause suitable books for the registry and transfer of such shares to be kept; and every such transfer, to be valid, shall be made on such books, and signed by the shareholder or his or her attorney, duly authorized in writing; and the board of directors may close the transfer books, from time to time, as the convenience of the Association [may require.]

Minutes. Certificates of shares. Transfer of.

SEC. IX. That the board of Directors, out of the funds of said Association, shall defray its expenses, and pay its debts, and may declare, and pay out of the surplus net profits of its business to its shareholders, or their duly authorized Attorneys, such dividends as they shall deem expedient.

Dividends.

SEC. X. That the capital stock of said Association may, at any time, be increased to any amount not exceeding in the aggregate, five millions of dollars, by the addition of new shares of one hundred dollars each, duly subscribed for and paid in, in such manner and upon such terms, as the board of Directors shall prescribe; *Provided*, That such increase shall have been first authorized by the votes of two-thirds of all the directors of said Association.

Increase of capital stock.

SEC. XI. That the Association incorporated by this Act, are authorized and empowered to consolidate, with any other Association incorporated by Legislative enactment, in any one or more of the Southern States, with the same powers and restrictions contained in this Act, or an Act similar, so as to form one Association, under one organization and management.

May consolidate with other associations.

SEC. XII. That the said Association shall keep an office, and an agent, within this State. The service of process or notice on said agent, in any action or proceeding against said Association, shall be as valid as if executed on the President or Directors, or Corporators.

Office in this State. Service.

SEC. XIII. That this Act shall take effect immediately upon its passage, and shall continue in force for thirty years thereafter; *Provided*, That all the rights and privileges granted by this Act, may be withdrawn at any time, when any future Legislature may see proper.

Duration.

Approved 27th March, 1866.

(No. 135.)

An Act to incorporate the Savings Bank, of Augusta.

WHEREAS, There exists a class of persons, who, from want of experience, are incapable of investing their small incomes and earnings, and as it is desirable to encourage economical and provident

Preamble.

habits, in all classes, and more especially in the young, the laboring, and dependent, therefore,

SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That H. H. Hickman, E. P. Clayton, J. B. Walker, T. W. Chichester, B. Conley and C. F. McCay, and their associates and successors, be constituted a body corporate and politic, to receive deposits of money at interest, and to loan and invest the same, under the name of "the Savings Bank of Augusta", and by this name are invested with the following powers, rights and privileges, and subjected to the following restrictions:

Incorporated.

Name.

SEC. II. The capital shall be thirty thousand dollars, with the privilege of increasing it to any amount not exceeding one hundred thousand dollars. This capital shall be a fund pledged for the security of depositors.

Capital stock.

Pledged.

SEC. III. Each share of the stock shall be one hundred dollars. There shall not be less than twelve Stockholders, and they shall vote at all their meetings in proportion to the number of their shares.

Shares, &c.

SEC. IV. The Stockholders shall have power to make rules, regulations, and by-laws, for the management and direction of its affairs, in accordance with the laws of this State, through their properly constituted officers. They shall have power and authority to do everything necessary and proper, for the safe and successful management of the Bank.

Powers.

SEC. V. This institution may go into operation as soon as the capital stock shall be paid in, and not before.

When commence.

SEC. VI. Repeals conflicting laws.

Approved 21st March, 1866.

(No. 136.)

An Act to incorporate the Savings Bank of Savannah.

WHEREAS, There is a large class of persons of small means and earnings, who, from their want of experience, are unable to invest and accumulate money; *and whereas*, it is advisable to encourage economical and prudent habits, in all classes, but especially in the one above referred to;

Preamble.

SEC. I. *The General Assembly of the State of Georgia do enact*, That Edward Padelford, Charles T. Mills, Aaron Champion, William P. Hunter, W. H. Lincoln, and James G. Mills, and their associates and successors, be constituted a body corporate and politic, under the name and style of the "Savings Bank of Savannah", to receive deposites on interest, and to loan the same, and by this name and style, are hereby invested with the following powers and privileges, and made subject to the following restrictions:

Corporate name.

Powers.

SEC. II. That the capital stock of said Institution, shall be thirty thousand dollars, with the privilege of increasing it to any sum

Capital stock.

not exceeding one hundred thousand dollars; and the said capital stock shall be a fund pledged for the security of deposits, and for the payment of all other liabilities, of the said Institution.

SEC. III. That there shall be, not less than five Stockholders, and no Stockholder shall own more than one-third of the capital stock of the Institution. Stockholders.

SEC. IV. That the Stockholders of the Institution shall have power to make all necessary rules, and by-laws, consistent with the laws of the State, for the management of its affairs, to do all things needful, for its safe and successful management, and to issue and circulate certificates of deposit; said certificates to be issued either with or without interest, but, if bearing interest, at a rate not exceeding seven per cent per annum, as may be agreed on. Powers of.

SEC. V. That the Institution hereby incorporated, shall be organized by the Corporators named herein, or a majority of them, and shall go into operation as soon as twenty thousand dollars of the capital stock is paid in, and not before; *Provided*, No certificate of deposit shall be issued for a smaller denomination than one dollar, and the issue of said certificates shall not exceed three dollars for each dollar of capital stock paid in; *Provided further*, That the property of the Stockholders shall be liable for double the amount of stock owned by each, for the ultimate redemption of the certificates, authorized to be issued by this Act. When organize. Provisos. Liability of Stockholders.

SEC. VI. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 137.)

An Act to incorporate the Southern Savings Bank and Commercial Association.

WHEREAS, It being desirable at this time to concentrate capital for the purpose of facilitating commercial and agricultural pursuits, therefore Wm. L. Clark, Wm. R. Brown and David Adams, and their associates, would ask of this General Assembly to make them a body corporate, under the title of the "Southern Savings Bank and Commercial Association";

SEC. I. *Therefore be it enacted by the General Assembly of the State, that from and after the passage of this Act*, That Wm. L. Clark, Wm. R. Brown, and David Adams, and their associates, be, and they are hereby constituted a body corporate and politic, under the name and style of "the Southern Savings Bank and Commercial Association", and by that name shall have perpetual succession, and be capable in law and equity, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in any of the Courts of this State, or of the United States; to have, purchase, hold, possess, receive, and retain unto them and their successors, lands, tenements, hereditaments, goods, chattels and effects, of any kind whatsoever, and the same to sell, Incorporated. Name. Corporate Powers.

grant, demise, alien and dispose of at their pleasure; and also, to make, have, and use a common seal, and the same to alter and renew as they may think proper, and also, to make, ordain, and establish such by-laws, ordinances and regulations, as shall seem necessary and convenient, for the government of said corporation, not being contrary to the Constitution of this State, or of the United States, or repugnant to this Act of incorporation, and generally to be vested with all the rights and powers, which usually appertain to corporations.

Capital stock. SEC. II. The capital stock shall be divided into twenty thousand shares, of twenty-five dollars each.

SEC. III. This Association may be organized and commence business, by the payment of one dollar for each and every share thereof, and monthly installments of one dollar a share, may be called in, as the Board of Directors shall deem proper, but the said calls shall, in no event, cease until one hundred thousand dollars shall be paid in.

May organize. Installments.

SEC. IV. The business and corporate powers of this Association shall be exercised by a Board of nine Directors, to be chosen as hereinafter provided, who shall elect one of their number a President; five of which Directors, shall constitute a quorum, for the transaction of business. But the Stockholders shall have the power to increase the number of Directors to twenty-one, and eleven to constitute a quorum for the transaction of business.

Officers.

SEC. V. There shall be an annual meeting of the Stockholders to elect a Board of Directors, held on the first Wednesday of April, excepting the first election, which shall take place at the organization of this Association; each Stockholder shall be entitled to one vote for each share of stock, he, she, or they, may hold; and absent Stockholders may have their stock voted upon by proxy, by giving authority in writing.

Election of.

SEC. VI. No Stockholder shall be a Director, unless he shall hold fifty shares of stock; and in case of the death of a Director, or from any other cause, he ceases to be a Director, the remaining Directors shall fill such vacancy, to serve for the unexpired term of that year.

Qualification. Vacancies.

SEC. VII. The Directors shall elect a Secretary and Treasurer, and such other officers as they shall deem necessary, and fix as salaries, such compensation as they may think just and proper; and the officers so elected shall hold their office until their successors are elected and qualified; the Directors to require good and sufficient bonds for faithful performance of duty; all officers or agents may be removed by a majority of Directors.

Secretary and Treasurer, &c.

SEC. VIII. The said Corporation shall have the right, in the transaction of their commercial business, to make all necessary receipts, certificates and contracts, to buy or sell inland and foreign exchange, receive deposits, with or without interest, discount promissory notes, bonds, mortgages and other evidences of debt, and ex-

Powers.

ercise all the powers and privileges granted in the first section of this charter.

SEC. IX. The principal office of the Corporation shall be located by the President and Directors, at Columbus, Savannah, Macon or Augusta, with such agencies, or branches, as the Board of Directors may deem advisable to locate. Principal office.

SEC. X. For the purpose of giving a general opportunity of subscribing to said stock, the said William L. Clark, William R. Brown and David Adams, shall cause books of subscription to be opened in the City of Columbus, Macon, Savannah, or Augusta, for the space of ten days, of which, due notice shall be given, by publication in some newspaper, published at the place of opening said books at the time of subscription, one dollar per share shall be paid in gold or legal tender notes of the national currency, and in case of an excess of subscription, all subscribers for twenty shares and under, shall be first supplied, then all subscribers under fifty shares, then all subscribers under one hundred shares, and the same rule of apportionment shall be observed for each increasing subscription of one hundred shares, until the whole is rateably and proportionally divided out. Books of subscription.

SEC. XI. In case of a failure of said Bank to pay on demand in specie, legal tender national currency, or current notes of the national Banks, during the suspension of the specie payments in the State of Georgia, any depositor, the amount of his deposit, and the interest agreed to be paid, the persons composing said Corporation shall be held and bound in their individual and private capacity, in proportion to the number of shares held by him at the date of said deposit, and the said liability may be enforced against him for twelve months, after the creation of said debt, unless the said Stockholder shall have given six months notice of the transfer of his stock, in some newspaper, published in the place where the chief office of said Corporation may be located, in which case the personal liability shall cease, except as to persons suing within said six months. Personal liability.

SEC. XII. Five shares of the stock of said Corporation, which may be held by each Stockholder, shall be exempt from all levies for debt, under execution, except tax execution, but nothing in this section shall prevent the sale of such stock, when the same shall be forfeited, by this Corporation, by reason of failure to pay any call or calls made on the same. Exemption from levy.

SEC. XIII. In case any Stockholder neglect to pay any installment called for by the Directors for twenty days, and after a call is made, the said stock, when it exceeds five shares, shall be forfeited to the Corporation, and when the failure is on five shares or less the profits on such Stock shall inure to the benefit of the Corporation; *Provided however*, That no forfeiture of stock shall release the Defaulting stockholders.

party so forfeiting, from the personal liability fixed by the eleventh section of this Act.

Duration. SEC. XIV. This charter to continue in force for thirty years.

Approved 26th March, 1866.

(No. 138.)

An Act to establish the Southern Bank of America.

WHEREAS, It is desirable to introduce foreign capital into the State of Georgia for the purpose of developing the natural resources and of establishing commercial intercourse abroad:

SECTION I. *Therefore be it enacted by the Legislature of the State of Georgia in General Assembly convened*, That Isaac J. Moses and Bernard S. Baruc, and such persons as may hereafter be associated with them, their successors and assigns are hereby created a body corporate under the name and style of the Southern Bank of America, and by that name may sue and be sued in any Court whatever, and with all the powers and privileges which may appertain to the same by this Act.

Incorporated. Name.

Seal. SEC. II. The said Banking Company shall have the right to use a Common Seal.

Capital stock. SEC. III. The capital stock of the said Bank shall be three millions dollars gold coin, divided into thirty thousand shares of one hundred dollars each, to be paid in a manner as the Directors hereinafter provided for may deem fit to adjudge; whenever ten per centum of the said capital shall have been subscribed and called in, the company shall have a right to organize and transact business. Whenever the Company, by the Directors, shall make a call upon the subscribers, they shall allow a time of three months to elapse before another such call is made.

Right to organize, when. Installments.

Subscriptions in gold coin or equivalent. The Company shall allow the parties wishing to subscribe to the capital stock of said Bank to pay the amount of their subscription either in gold coin or its equivalent in gold certificates of the Treasury of the United States of America.

Subscriber failing to pay. SEC. IV. Whenever any subscriber shall fail to pay the amount of his subscription or the amounts due upon the shares, at the call of the Board of Directors, the Directors shall have the right to sell the share of such subscriber at public auction, allowing him or them three months time from the day of the notice thereof to fulfill his engagement, and whenever such sale shall have been made, the subscriber in default shall be held responsible for any loss resulting therefrom, and any benefit which may result shall be refunded by the Company to the said subscriber.

Principal seat of Company. Agencies. SEC. V. The principal seat of the Company shall be at Savannah, in the State of Georgia, but it shall have the right to establish such Agencies in other counties, and other States, as the interests of the Company may require.

SEC. VI. The business of the Bank shall be managed by a Board of twelve (12) Directors, five of whom shall constitute a quorum to transact business. The Directors shall elect from among their midst a President, who must always be a stockholder, failing in which he shall be disqualified for this office. The said Isaac J. Moses and Bernard S. Baruc shall be Directors of this Company from the organization until the first annual meeting of the stockholders, the said meeting to be held as the Directors in their by-laws may prescribe. Directors. President.

SEC. VII. The President and Directors of said Company shall proceed at the organization of the Company, and at each annual meeting, to an election of Secretary and Treasurer, who shall give bonds and securities for the faithful performance of their duties in such sum or sums as the Board of Directors may prescribe. Secretary and Treasurer.

The Directors of said Bank shall hold their offices for the term of one year from the day of their election by a general assembly of a majority of all the stockholders. All acts of the said Bank shall be signed by the President, and countersigned by the Secretary or Treasurer, and bear the impress or seal of said Bank, and no act shall be held or deemed valid by, or be binding on the said Company without such signatures, impress or seal of said Company. Acts of Bank when valid.

SEC. VIII. The Bank shall have a right to receive money on deposit, grant receipts for the same, and issue, in the transaction of their business all necessary certificates and contracts, to make advances on real and personal property, to make loans to private individuals or governments, and to perform all such acts to enforce the payment or fulfillment of any contract made to, or with her, to make advances for improvement of transportation by water or land, or to acquire, possess, and direct any property, real or personal, which the interests of the Company may dictate, to nominate all officers which the management of such property may require, to deal in the precious metals, foreign or domestic exchange, to discount, collect or sell promissory notes, bills of exchange, contracts, bonds, or choses in action, claims and rents, to advance money to corporate bodies, to acquire any franchise by purchase, or otherwise, which the interests of the Company may require, to buy and sell on commission, to advance moneys to planters, factors or merchants on land or personal property, or to acquire and possess the same, and to issue notes under the following restrictions: Powers and privileges of Bank.

SEC. IX. The said Bank shall have the right to issue notes for any sum not less than five dollars, payable on presentation at the counter of the said Bank, in Savannah, in gold coin of the United States of America, and it shall have the right of issuing notes for not less than five dollars in gold, payable at the counter of the Agency of the said Bank at New York or Philadelphia, should the interests of the Company require the establishment of such Agencies. The Bank shall have the right to issue notes payable in Paris, in gold or silver coin. And the said Bank shall allow five May issue notes payable in Savannah. In New York or Philadelphia. Paris.

London.

and one quarter francs as an equivalent for every dollar, and it shall have the right to issue notes payable in London, England, for no less a sum than two pounds sterling, and the Bank shall allow four dollars and eighty-four cents to be equivalent for every pound sterling of its notes. The notes so issued payable either in Paris, or in London, shall be cancelled and destroyed after their payment at the respective Agencies, and never be again put into circulation for a second time.

Registered notes.

SEC. X. The holders of the said notes payable in France, or England, shall have the right to exchange the same for registered notes payable to order, in which case they shall allow the Bank one per centum for so doing, and in the event of the loss or destruction of such registered notes before payment, the Bank, at the request of the owner, shall issue a duplicate of the same six months after the proof of such loss or destruction of the original, and the owner of such duplicate shall give receipt for the same, as if the original had been paid. But the Bank shall never issue any note or notes for any amount beyond the coin, real or material property in its possession, it being the fundamental principle of this Bank that the value of each note issued shall be represented by an equivalent in material property in the possession or under the control of this Bank.

Limit of issues.

Must publish statement of assets and liabilities.

SEC. XI. The Bank shall publish a statement of its assets and liabilities once every three months, in three journals published in the State of Georgia, and at such points as the Directors may hereafter establish Agencies; its books shall be opened to the inspection of such officer, or committee of the Legislature, once every three months as the Legislature may appoint, and it shall be shown on these books the amount of notes in circulation, either in this country or elsewhere.

Inspection of books.

The Bank shall be subject to all the laws enacted by statute in Georgia for the government of Banking institutions.

Failure to redeem notes.

SEC. XII. In the event of the Bank failing to redeem its notes in coin on presentation at the counter of the Bank where such note is made payable, it shall be regarded as a failure of the Bank, and the government shall appoint three supervisors to wind up and close the affairs of the Bank.

Annual meeting.

SEC. XIII. There shall be, at stated periods, at least one annual meeting of all the stockholders, when each share shall be counted one vote, either in person or by proxy. The Directors shall submit to the stockholders a full and elaborate statement of all the transactions of the Company during the past year.

By-laws.

SEC. XIV. On the organization of the Company the Directors shall make such by-laws for the government of the Bank as they may deem necessary, but they shall in no ways conflict with the articles of this charter. The Directors shall have the sole right and power of nominating all officers, and establishing all such Agencies, as they may deem best for the interest of the Company, and all such Agencies shall derive their power from the Board of

Appointment of officers, &c. Establishment of Agencies.

Directors, and be subject to all the laws and by-laws established by this charter. The Directors shall have the right to increase their number not to exceed twenty-one. No. of Directors.

SEC. XV. And after due provision shall have been made for all losses of the past year, and for any eventual losses of the future, for the payment of all officers, as will be directed by the by-laws, and for all taxes which the government of the country may assess, and for the payment of all liabilities of the said Company, the Directors shall direct an equal division of the profits, if any there be, among the stockholders of the Company, but no stockholder shall be held responsible for any larger amount than his subscription of the whole capital stock, fixed and limited. Dividends.

SEC. XVI. The said Isaac J. Moses and Bernard S. Baruc are hereby nominated commissioners for the opening of subscription books of the said Bank, at Savannah, or at such other points as they may deem necessary, for obtaining the capital necessary for this charter. Commissioners to open books.

SEC. XVII. That said incorporation shall not issue any bill until it shall first deposit with the Treasurer five hundred thousand dollars, ($500,000,) of the new bonds to be issued by the State of Georgia, which bonds shall remain on deposit with the Treasurer until all of the bills issued by the said Bank shall be fully redeemed and paid. $500,000 of Bonds to be deposited.

SEC. XVIII. That this charter shall expire at the end of thirty (30) years. Duration.

SEC. XIX. This Act to take effect immediately.

Approved 15th March, 1866.

II. BUILDING AND LOAN ASSOCIATIONS.

ACT NO. 139. MUSCOGEE BUILDING AND LOAN ASSOCIATION, AND COLUMBUS DO.
" " 140. PHŒNIX LOAN AND BUILDING ASSOCIATION, AND UNION DO., OF ATLANTA.
" " 141. SAVANNAH MUTUAL LOAN ASSOCIATION.

(No. 139.)

An Act for the relief of the Muscogee Building and Loan Association, and the Columbus Building and Loan Association.

SECTION I. *Be it enacted*, That any omission in the Muscogee Building and Loan Association, or in the Columbus Building and Loan Association, to re-elect a President, Director, and other officers, during the war, shall not operate to vacate said offices, but that the President, Director, and officers, last elected shall continue to hold their offices until their successors are elected and qualified. Omission to elect during the war not to vacate offices.

SEC. II. That all suits now pending may be prosecuted in the name of said Associations to their final termination, and new suits may be brought whenever the Board of Directors shall deem it necessary, in order to close up the business of said Associations. Suits, how prosecuted. New suits.

SEC. III. Repeals conflicting laws.

Approved 15th February, 1866.

(No. 140.)

An Act to authorize the Phœnix Loan and Building Association, and the Union Loan and Building Association, of Atlanta, Ga., to resume business, and carry on or close up said Associations.

Officers last elected authorized to act.

SECTION I. *Be it enacted*, That the President and Directors of said Associations, last elected, are hereby authorized to act as President and Directors until the annual meetings of each of said Associations, and their acts shall be legal as if they had been elected in June and July last.

Vacancies may be filled.

SEC. II. That vacancies in either of those offices may be filled by election by the Stockholders of each of said Associations, (which meetings may be held upon three days notice in one of the city papers,) and ten stockholders shall constitute a quorum for electing such officers.

Officers may resume business.

May close up association.

SEC. III. That said President and Directors, or a majority of those for each Association, may resume the business of said Associations, and fix the amount in U. S. currency to be paid in by each stockholder monthly, or may close up such Associations and fix the amount in U. S. currency which shall be paid to the Treasurer by those on whom the Association holds a mortgage, or mortgages, and the amount which shall be paid in U. S. currency to those whose stock is unincumbered, *Provided*, that no adjustment of the basis of resumption, or of closing the business of such Associations, shall be valid until two thirds of the stockholders interested in each shall signify, in writing, their consent to said adjustment.

Consent of Stockholders.

Failure to pay monthly dues.

If business closed.

SEC. IV. That in case said Associations resume business, the stockholders failing to pay in their monthly dues may be fined as is provided by the Constitution of each, and in case of a determination to close business, the amount fixed to be paid shall be paid within thirty days after notice published of the amount to be paid, and shall bear interest at seven per cent after said thirty days.—Upon failure to pay what is due, in either of said events any stockholder's mortgage may be foreclosed, according to law, for the face of the same, but the judgment may be discharged within twelve months after its rendition by payment of the amount fixed as the basis of settlement or resumption, with seven per cent interest thereon, and the costs of foreclosure.

Foreclosure of mortgages.

SEC. V. That this Act shall be of force as soon as approved by the Governor.

Approved 8th February, 1866.

(No. 141.)

An Act for the relief of the Savannah Mutual Loan Association.

Suspension of parts of Constitution and By-laws legalized.

SECTION I. *The General Assembly of the State of Georgia do enact*, That the action of the Savannah Mutual Loan Association whereby all such parts of its Constitution and By-laws as require the

payment of installments and interest or installments or interest, by the holders of shares therein, or borrowers thereform, were suspended during the war, is hereby legalized.

SEC. II. That such suspension shall not be effectual as a defence to proceedings in any of the Courts of this State for the enforcement of securities given to said Association or its proper officers for advances or loans made by it to its shareholders. Not to be defence in Courts.

SEC. III. Repeals conflicting laws.

Approved 9th February, 1866.

III. CANAL AND WATER WORKS.

ACT NO. 142, ATLANTA CANAL & WATER WORKS COMPANY.
" " 143, BRUNSWICK & ALTAMAHA CANAL COMPANY.
" " 144, MACON CANAL & WATER WORKS.

(No. 142.)

An Act to incorporate the "Atlanta Canal and Water Works Company."

WHEREAS, The constant and plentiful supply of water is conducive to the health of a city, and a security to property against the ravages of fire; and *whereas*, the position of Atlanta is such that both of those objects may be attained, and other important advantages derived, by the incorporation of a Company, with the powers specified in this Act, therefore, Preamble.

SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That Wm. W. Boyd, Hammond Marshall, David E. Butler, Samuel A. Marshall, Thomas W. Chandler, Francis T. Wilkes, and their associates, and such other persons as shall hereafter become stockholders in said Company, shall be and they are hereby declared to be, a body corporate and politic, in fact and in name, by the style of the Atlanta Canal & Water Works Company, and by that name they and their successors may have continued succession, and shall be capable, in law, of suing, and being sued, answering and being answered unto, in all Courts and places whatsoever, and they and their successors may have a common seal, and change and alter the same at their pleasure, may make, ordain, and establish such by-laws, rules and regulations, as they may deem expedient and necessary to carry into effect the objects of the Company; *provided*, such by-laws, rules and regulations, are not inconsistent with the Constitution and laws of this State, nor with the Constitution and laws of the United States. Incorporated. Style. Powers. Proviso.

SEC. II. Said Company shall have full power and authority to cut and construct a canal, or aqueduct, commencing at any point Authority to cut a canal from and to.

on the Chattahoochee river, either in the Counties of DeKalb, Fulton, or the adjoining Counties, as they may deem most expedient, and through said Counties, to the city of Atlanta, and with the consent of the corporate authorities thereof, to continue the same through the said city along any street thereof, to South river, or some of its tributary streams, or into said Chattahoochee river, as they may deem most practicable, and from the main trunk of said canal, or aquedect, to cut and construct viaducts along any of the streets of said city, and through any lands lying contiguous thereto.

May cut viaducts.

SEC. III. Said Company may have authority to contract with the owners, or occupants, of lots in said city, for the supply of pure, good water, to be supplied by said Company, on their premises, and the contract so made shall be permanent, and a charge upon the lot, or lots, whenever the same shall be occupied, collectable quarterly, before any Court having jurisdiction thereof, and binding upon all holding under said contractors, until the same be rescinded.

Supply pure water. contracts shall be permanent.

SEC. IV. Said Company is authorized to transport on said canal, goods, wares, and merchandize, and land the same at convenient and suitable points in and along the same, and receive therefor such compensation as may be reasonable and just.

Authorized to transp't goods, &c., on canal. Compensation.

SEC. V. Said Company shall have the exclusive use and control of said canal or aqueduct, and viaducts leading therefrom, (except in cases of fire, when the water thereof shall be free for the use of the city,) and shall at all times, and at their own expense, make and keep in good repairs such bridges and passways as may be necessary, at the discretion of the proper authorities.

Company shall have exclusive use of canal, &c., except in cases of fire. Shall keep in good repair bridges, &c.

SEC. VI. When any person shall feel himself aggrieved, or injured by said canal, or when the said Company cannot agree with any person through, or on whose land the said canal shall be cut or constructed, as to the damages sustained, the amount of such damage or injury shall be ascertained and determined by the written award of three sworn appraisers, to be chosen, one by the Company, one by such owner, if he shall think proper, and one by the Inferior Court of the County where such land lies, but if such owner shall decline to appoint an appraiser, then two appraisers to be appointed by the Inferior Court as aforesaid, and one by the said Company, each of said appraisers to be disinterested parties, the award of whom shall operate as a judgment for the amount against the Company, and shall be enforced by an execution from the Inferior Court, with the right of appeal by either party to be tried by a special Jury, at the next term thereafter of the Superior Court of said County, and the decision shall vest in the Company the right of way over the land in question during the existence of said Company; in the other party a judgment for its value thus ascertained, which may be enforced by the ordinary process of said Court.

Damages done by canal how ascertained. Appraisers how chosen. Decision shall vest right of way in Company during its existence.

SEC. VII. The capital stock of said Company shall be two hundred thousand dollars, ($200,000,) with the privilege of increasing

Capital.

the same to an amount not exceeding two millions, at the discretion of a majority of the stockholders, divided into shares of one hundred dollars each, which shall be assignable in such way as the Company may direct, and always subject to any claims of the Company thereon, at the time of assignment. Said Company may adopt such rules and regulations for the government, and elect such officers for its management, and at such times as may, by its by-laws, be ordained, and shall keep regular minutes of their proceedings, which shall at all times be subject to the inspection of any of the stockholders.

Shares. Company may adopt rules, &c. Elect officers. Minutes subject to inspection.

SEC. VIII. That said corporators shall not proceed to organize until the whole of the capital stock is subscribed, and shall not begin operations until ten per cent. of the whole capital stock shall have been paid in.

Organize when, where, commence business.

SEC. IX. That all the private property, both real and personal, of each respective stockholder, shall be held liable to the amount of his, her, or their subscribed stock yet unpaid; *provided*, that notwithstanding the dissolution, extinction, expiration, or lapse of time, *non user* of the charter, or the cessation of said corporation to transact business, that the corporate property of said corporation shall, at all times, be bound and liable for the payment of the corporate debts or contracts of said corporation.

Liabilities. Proviso.

SEC. X. That nothing herein contained shall be so construed as to prevent the State of Georgia from taxing the property of said corporation as any other property of this State.

Taxation.

SEC. XI. Repeals conflicting laws.

Approved 7th March, 1866.

(No. 143.)

An Act to incorporate the Brunswick & Altamaha Canal Company.

SEC. I. *Be it enacted, &c.*, That George W. Hodges, Robert Christie, Samuel R. Brooks, Frederick Williams, Robert Morrell, John McDonald, Henry C. Platt, and all such persons as are, or may hereafter be associated with them, are hereby constituted a body corporate, by the name of the Brunswick & Altamaha Canal Company.

Incorporated. Name.

SEC. II. The capital stock of said Company shall be two hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, should the business of the Company hereafter require such increase, which stock shall be divided into shares of one hundred dollars each.

Capital. Shares.

SEC. III. Books of subscription for the capital stock of said Company, shall be in the first place opened in the city of Brunswick, Georgia, after giving thirty days notice in one of the public gazettes of this State, of the time and place of opening the same, which books shall be kept open for the space of ten days, for

Books of subscription at Brunswick.

the purpose of receiving subscriptions, and after the expiration of said ten days, should all the capital stock of said Company not be subscribed for, then, and in that case, the above named corporators, or a majority of them, may open the books for the balance of subscription to the stock in any other place, under such rules and regulations as they may prescribe, and all persons subscribing for stock in said Company, shall, at the time of subscribing, pay in five per cent. upon the amount of stock so subscribed for by them, which stock shall be assignable, and transferable, on the books of the Company.

Other places.

Directors.

SEC. IV. The business of said Corporation shall be managed by seven directors, who shall be stockholders, and who shall hold their offices for one year, or until others are chosen in their places. The directors shall be chosen annually by the stockholders, on the first Monday in May. Each stockholder shall be entitled to one vote upon each share of stock held by him or her. Voting shall be by ballot, and may be in person or by proxy.

Votes.

President &c.

SEC. V. The directors shall annually elect a President from their own board, a Treasurer, and Secretary, and such other officers as they shall deem necessary, who shall hold their offices until others are appointed in their places, and they may make and ordain such by-laws and regulations as they may deem necessary and proper for the management of their business, and for accomplishing the purposes of the corporation, not inconsistent with the provisions of this Act, and the laws of this State.

By-laws.

Payment of subscriptions.

SEC. VI. The directors may require payments of subscriptions to the stock, at such time, and in such proportions, as they may see fit, under the penalty for forfeiting all stock, and previous payments thereon, or they may sue for and recover all such unpaid subscriptions, in which event no forfeiture of stock shall accrue. Notice of the time and place of said payments shall be left at the residence, or place of business, of each stockholder, at least four weeks previous to the time of payment.

Notice of.

Vacancies.

SEC. VII. In case of vacancy in the directors from any cause, it may be filled by the remaining directors, until the next annual election. The persons herein named may appoint three persons to be inspectors at the first election, and annually thereafter, the directors shall appoint three persons to be inspectors of election, at each annual meeting, any two of whom may hold the election. The directors shall have power to remove all officers appointed by them, and appoint others in their places, and fill all vacancies in the offices.

Inspectors at elections.

Removal of officers.

SEC. VIII. The said corporation is created for the purpose of building or purchasing and establishing, and maintaining, and owning a canal from Turtle Bay, or river in the County of Glynn, to the Altamaha river, and to that end are hereby authorized and empowered to acquire land, and to purchase and hold any canal now existing, or which may be in part only constructed.

Objects of corporation.

Power to purchase.

SEC. IX. Said Company shall have the right to collect tolls for

Tolls.

the use of said canal, and shall have exclusive control of said canal. The said Company shall have a lien upon all boats, timber, produce, freight, and other property, passing into, or through said canal, for the amount of their toll, and expenses upon the same, and the right to hold the same until the amount thereof shall have been paid, and after twenty days delay to sell the same at public auction for the toll, and expenses due on the same. Lien for.

SEC. X. Any person who shall wilfully or maliciously destroy or injure any of the works or property of said Company, shall be deemed guilty of a misdemeanor, and may be punished by fine, or imprisonment, or both, in the discretion of the Court, and shall be liable for damages, to be recovered in any Court having cognizance, with costs. Injury to property, misdemeanor. Penalty.

SEC. XI. Said Company are authorized and empowered to mortgage, lease, or sell the whole, or any part of their property, upon the consent of a majority of the stockholders thereof. Co. may mortgage, &c.

SEC. XII. Nothing contained in this Act shall vitiate, or affect the vested rights of any other chartered Company in this State, or the private rights of any individual. Vested rights.

SEC. XIII. The office for the transaction of the business of said Company shall be kept in the city of Brunswick, in this State, and shall be kept open during the usual business hours of each day, for the convenience of all persons having business with the same. Place of business.

SEC. XIV. The canal contemplated by this Act to be built, shall be commenced within one year, and completed within two years, from the passage of the same, or this charter, with all its privileges, and immunities, thereby granted, shall become void, and of no effect. Conditions of charter.

Approved 10th March, 1866.

(No. 144.)

An Act to incorporate the "Macon Canal & Water Works," to authorize the Mayor and Council of the city of Macon, to subscribe to the stock of said Company, to issue the bonds of said city to pay for any subscription they may make, and to levy a tax to pay such Bonds as may be issued, and for other purposes.

SEC. I. *The General Assembly of the State of Georgia do enact as follows:* The Mayor and Council of the city of Macon, together with such persons or corporations as may unite or be associated with them, are hereby incorporated as a body politic and corporate, under the name and style of the "Macon Canal & Water Works," and as such corporation shall have all such rights and powers as are necessary to carry out the objects of said corporation, or as are legally incident or legally attached to a corporation. Incorporation.

SEC. II. Said corporation shall have power to build and construct, to keep up and use, a canal, with all such dams, locks, Powers.

Canal from Ocmulgee river through city of Macon.

and other structures as may be necessary, from such point on the Ocmulgee river, as they may deem best, to and through the city of Macon, for the purpose of conducting all or any part of the water of said river, to and through said city, so that the same may be used for propelling mills, manufactories, machinery of any kind; and for watering and cleaning said city, and for Fire purposes, and for such other uses as the said corporation shall deem best and most to their interest. They may acquire, hold, and use all such land and other property, as may be necessary for the objects of their incorporation, for sites for factories, mills, dams, locks or other structures which said corporation may desire to erect or have erected.

Co. may hold lands.

Capital stock.

SEC. III. The stock of said Company shall be such sum as may be necessary to build and construct said canal, water works, and other structures, and the property necessary therefor, as contemplated by this charter; *provided*, the same does not exceed the sum of five hundred thousand dollars.

Officers.

By-laws.

SEC. IV. Said corporation shall be managed by a President and Board of Directors, to be elected annually by the Stockholders, and by a code of by-laws to be approved by the stockholders; *provided*, the same are not inconsistent with the laws of this State, or of the United States.

City Council of Macon may subscribe, &c.

SEC. V. The Mayor and Council of the city of Macon may subscribe to the stock of said Company, and may construct the works herein contemplated solely on account of said city, or in conjunction with other subscribers, as they may determine; to pay such subscription as said Mayor and Council may make, they may issue the bonds of said city, on such terms as they may determine, to such amount as may be necessary, not to exceed the amount of the city's subscription; said bonds with the interest thereon to be paid from the general taxes and resources of the city; *provided*, that no bonds shall be issued or subscription made by the city, except by a vote of two thirds of all the members of the City Council, confirmed by a vote of the legal voters of the city, at an election to be held for that purpose.

Issue bonds.

Proviso.

Right of way, &c.

SEC. VI. In case said Company cannot agree with the owners as to the price to be paid for the right of way, or for the purchase of any lot or ground necessary for the erection of any mill, factory, dam, lock, or other structure authorized by this charter, the same shall be assessed and determined by five persons, citizens of the County of Bibb, to be appointed by the Judge of the Superior Courts of the Macon District, with the right of appeal to either party, to the Superior Court of Bibb County, to be determined by a special jury.

Approved 3rd March, 1866.

IV. EXPRESS COMPANY.

ACT NO. 145, GEORGIA EXPRESS COMPANY.

(No. 145.)

An Act to incorporate the Georgia Express Company.

SEC. I. *The General Assembly of the State of Georgia do enact,* That Samuel R. McCamy, John C. Whitner, Joseph F. B. Jackson, Jno. L. Bridges, and their associates, citizens of this State, be and they are hereby created a corporation and body politic, for the purpose of establishing and maintaining an Express line or lines in the State of Georgia and elsewhere, for the purpose of transporting goods, wares and merchandise by means thereof, under the name and style of The Georgia Express Company. Incorporated. Purpose.

SEC. II. That the capital stock of said Company shall be two hundred thousand dollars, and may be increased to any sum not exceeding one million dollars, divided in shares of one hundred dollars each. Capital. Shares.

SEC. III. That the affairs of said Company shall be under the management of a Board of Directors, consisting of five members, chosen from among the stockholders, who shall hold office one year, or until their successors are elected; that said Directors shall elect one of their body President, whose official acts shall be binding upon the Company. Said Board of Directors may appoint a Secretary and Treasurer, or such other officers and agents as they may deem proper and expedient, for the management of the affairs and business of said Company, under such rules and regulations as may be prescribed by the By-Laws of said Company, which the Directors of said Company are hereby authorized to pass and adopt. Affairs, how managed. President. May appoint Secretary, &c. Authorized to pass by-laws.

SEC. IV. That said Board of Directors may exercise all such powers and privileges as may be necessary and convenient for the establishing and maintaining said Express line or lines, or the conducting and managing the affairs of said Company, not inconsistent with the laws of Georgia and of the United States. Powers

SEC. V. That said Company shall have power, in its corporate name, to sue and be sued, to plead and be impleaded, in any Court of law or equity having competent jurisdiction; to make, use and have a common seal, and the same to alter at pleasure; to purchase and hold such real and personal estate as the lawful purposes of the corporation may require, and may sell and convey the same at pleasure. Sue, be sued, &c. Seal. May hold real and personal estate.

SEC. VI. That every stockholder shall be entitled to one vote for Directors of said Company, for each share of stock he may own in said Company. Votes.

SEC. VII. That said Company shall have power to make such arrangements with the several Rail Road Companies, Steamboat

Power to make arrangements for transportation and to charge for same.

Companies, and other carriers in this State and elsewhere, for the transportation of goods, wares, merchandise, gold and silver coin, bullion, bank notes, currency and other articles of value, as may be necessary to carry out the purposes of said incorporation, and for the safe and speedy transmission of said articles of value, goods, and so forth, in the State of Georgia, charging therefor a reasonable compensation for such transportation, reserving to the Legislature the right to prescribe, at any future time, the rates of such charges.

Offices.

SEC. VIII. That the principal office of said Company shall be in the city of Atlanta, and said Company shall have power to establish branch offices in such parts of the State and elsewhere as may be necessary to carry out the purposes of this incorporation.

Liability.

SEC. IX. That the stockholders shall be jointly and severally bound in their private property for the debts, liabilities and losses of said corporation, so long as they are members of the said Company.

Duration.

SEC. X. That this Act shall take effect from and after its passage, and shall continue for and during the full term of thirty years.

Transfer notice of.

SEC. XI. That whenever any stockholder transfers his stock, he shall give notice of the same in some newspaper published at the place where the corporation has its principal office.

SEC. XII. Repeals conflicting laws.

Approved 7th March, 1866.

V. GAS LIGHT COMPANY.

ACT NO. 146, ROME GAS LIGHT COMPANY.

(No. 146.)

An Act to incorporate the Rome Gas Light Company.

SEC. I. *The General Assembly of the State of Georgia do enact,* That W. S. Cothran, Alfred Shorter, Andrew M. Sloan, M. Dwinell, J. J. Cohen, P. M. Sheibley, Wm. A. Barron, N. J. Bayard, Terence McGuire, James G. Yeizer, Albert G. Pitner, and their associates, successors and assigns, be and they are hereby declared to be a body corporate and politic in deed and in law, by the name and style of the "Rome Gas Light Company," and as such, shall have power to adopt, make and use a common seal, and the same at their pleasure to alter and renew, to make and execute such by-laws, rules and regulations, not repugnant to the laws of the land, as they may deem necessary or convenient for the government of the corporation, to have perpetual succession of members and officers, conformably to such by-laws, rules and regulations, to sue and be sued, plead and be impleaded, in any Court of law or equity, to purchase, receive and hold lands, tenements, goods and chattels, and the same to sell, convey and assign, and generally to have, exercise and enjoy all such rights and privileges, and be sub

Incorporated.

Style.

Powers.

ject to all such liabilities as are incident to bodies politic and corporate.

SEC. II. That the said corporation shall have full power and authority to make, manufacture and sell gas, to be made of coal, rosin or other materials, for lighting the streets, public and private buildings, and other places in the city of Rome, and shall be and is hereby authorized and empowered to lay down in any and all of the streets, lanes, avenues, alleys, squares and public grounds of said city, gas pipes and other apparatus for conducting gas through the same, and to erect therein such gas posts, burners and reflectors as may be necessary or convenient; *Provided*, that the public thoroughfares shall at no time be unnecessarily interrupted or impeded by the laying down or erection thereof, and that the said streets, lanes, avenues, alleys, squares and public grounds shall not be thereby injured, but shall be left in as good state and condition as they were before the laying down of said pipes, conductors, or other apparatus and the erection of said posts.

May manufacture gas of coal, &c.

Empowered to lay down gas pipes in streets.

Proviso.

SEC. III. That the capital of said corporation shall be divided into shares of twenty-five dollars each, and be transferable only on the transfer book of the Company, and until such transfer is regularly made thereon, shall be held bound and liable for all debts due and owing to the corporation by the holder thereof, and by order of the Directors, in conformity to such by-laws as the stockholders may adopt in relation thereto, may be sold at public auction, for the purpose of paying any debt or debts due by the individual stockholders to the Company, they accounting to such stockholders for any surplus of the proceeds of such sale remaining after the payment of such debt or debts.

Shares.

Liabilities.

Company to account for surplus after sale.

SEC. IV. That the affairs of said corporation shall be managed by a Board of five Directors, to be elected annually, on such day as may be fixed by the by-laws of the Company, of whom one shall be elected to preside over the Board, to be known as, and to discharge the duties of, President of said corporation, and that at all elections of Directors, and in all meetings of the stockholders, each stockholder shall be entitled to one vote for each share of stock standing in his or her name, and said stock may be represented by the attorney or proxy of the stockholder.

Affairs, how managed.

President.

Votes.

SEC. V. That if at any time an election of Directors should not take place on the day appointed by the by-laws, the corporation shall not be dissolved for that cause, but the Directors previously elected shall continue to exercise as theretofore the functions of their office as such, until others be elected in conformity to the by-laws.

Term of office.

SEC. VI. That if any person or persons shall wilfully do or cause to be done any act or acts whereby to injure any pipe, conductor, metre-machine, or other thing whatever appertaining to the gas works of said Company, whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of, and may be indicted for, a misdemeanor,

Injury to works misdemeanor.

Penalty. and being thereof duly convicted, shall be punished by a fine not exceeding two hundred dollars, or imprisonment in the common jail not exceeding sixty days, or by both fine and imprisonment not exceeding the said sum and time, and such criminal prosecution shall in no wise impair the right of action for damages which the said Company is hereby authorized to institute in any Court having cognizance and jurisdiction of the same.

Approved 1st March, 1866.

VI. INSURANCE COMPANIES.

ACT NO. 147, AUGUSTA MUTUAL INSURANCE COMPANY.
" " 148, CITIZENS INSURANCE COMPANY OF ATLANTA.
" " 149, COMMERCIAL INSURANCE COMPANY OF AUGUSTA.
" " 150, EMPIRE STATE INSURANCE COMPANY.
" " 151, GATE CITY INSURANCE COMPANY.
" " 152, GEORGIA CITIZENS INSURANCE COMPANY.
" " 153, GEORGIA LIFE AND ACCIDENT INSURANCE COMPANY OF THE CITY OF ATLANTA.
" " 154, GREAT SOUTHERN INSURANCE COMPANY.
" " 155, MERCHANTS AND PLANTERS INSURANCE COMPANY OF COLUMBUS, GEORGIA.
" " 156, NORTH AMERICAN FIRE INSURANCE COMPANY OF ATLANTA.
" " 157, OGLETHORPE INSURANCE COMPANY OF SAVANNAH.

(No. 147.)

An Act to incorporate the Augusta Mutual Insurance Company.

SEC. I. *The General Assembly of the State of Georgia do enact,* That Joseph M. Newby, George T. Barnes, Daniel B. Plumb, William C. Jones and Henry W. Carr, and their associates and successors, shall be a corporation under the name and style of the Augusta Mutual Insurance Company, and shall keep their office at such place as may be agreed upon by the officers herein provided for, and shall elect their own officers, and shall enjoy all the privileges and powers incident to such corporations.

Incorporated. Style. Office, where. Election.

SEC. II. That at all meetings of said corporation, every matter shall be decided by a majority of votes, each member holding a policy for one year or longer, being allowed one vote, and if his policy exceed one thousand dollars, an additional vote for every thousand; *Provided,* that insurers under open policies shall be entitled to vote in proportion to the amount actually insured under their policies; *And provided,* further, that no insurer under an open policy shall be entitled to more than ten votes, with the right of voting by proxy, and such corporation may choose such officers and for such length of time as they may deem necessary, but no policy of insurance shall be issued by said Company, until the sum subscribed to be insured shall amount to fifty thousand dollars.

Votes. Provise. Provise. Officers, terms of. Policies, to be issued when.

SEC. III. That said corporation may insure for any term not exceeding ten years any houses, goods, or other species of property, against loss or damage by fire or water, such damage or loss not resulting from the carelessness, negligence or design of the

Corporation may insure what, for how long.

party insured, and to any amount not exceeding three fourths of the value of the property insured, property on ship-board or in storage not subject to this limitation, and not exceeding ten thousand dollars on any one block of buildings or stock of goods. Said corporation thall further have the power of insuring the lives of persons for any term of years or for life, may grant annuities, and make any and every contract in which the risk of life shall be a part thereof. And said corporation shall further have the right and power to make the sum insured in any life policy payable to the wife of the person insured, or to his wife and children; and in these cases the sums insured shall be payable to the said wife or wife and children, as the case may be, for their sole use and benefit, free from the claims of the representatives or the creditors of the party insured; *Provided*, the annual premium shall not exceed three hundred dollars. The Directors of said corporation are hereby further empowered, at any time, to make the insurance of the lives of persons and the granting of annuities a separate department of their business; and all the contracts, liabilities, claims, receipts, expenses and investments of the life department shall be distinct from the other business of the corporation, as much as if they belonged to another Company. And the officers of said corporation shall invest the funds belonging to the life department only in stocks of the United States, or of the several States, or in bonds and mortgages on unencumbered real estate, worth, in the opinion of the Directors, at least four times the amount loaned thereon.

To what amt.

Limits.

Power of insuring lives.

Policies payable to whom.

Proviso.

Life department.

How funds shall be invested.

SEC. IV. That the said corporation shall have authority, whenever the Convention of stockholders shall consent thereto, to transfer and assign to any Company which may be hereafter incorporated for that purpose, either in this State or any other, all the business, assets, claims, funds, investments, rights and privileges, belonging and appertaining to the life department of said Company; *Provided*, that the said new Company, to which it shall be transferred, shall assume all the liabilities and obligations of said Augusta Mutual Insurance Company, which shall then exist for and on account of the said life department.

Authority to transfer the business.

Proviso.

SEC. V. That whenever such transfer shall have been made, in pursuance of this Act, and accepted by the said new Company, the said Augusta Mutual Insurance Company shall be released from all liability and responsibility on policies or other liabilities of the life department.

Company shall be released from liability when.

SEC. VI. That whenever said corporation shall make insurance on any property, the member so insured shall pay the required premium in cash, or give his note or bond, well secured, for the amount of the insurance money, payable one day after date, and shall deposit in money with the Treasurer of the corporation, at least ten per cent. of said note, which shall be entered as a credit thereon, and the fund thus raised may be applied to the losses and ordinary expenses of the corporation, and in the event of the so-

Premium.

Fund how applicable.

cumulated surplus beyond the necessities of said corporation, the Directors are hereby authorized to divide the same among the stockholders thereof, according to the respective amounts of their premiums, and the Directors may, at any time thereafter when the necessities of the Company require it, collect such further sums as may be necessary, by making assessments on said notes in proportion to the original amount of each note, giving thirty days notice by mail to each member, but no member shall in any event be liable to pay more than his premium notes or cash premium.

Dividend.

Assessments.

SEC. VII. That whenever any person shall sustain any loss of the property so insured, he shall, within thirty days after his knowledge of said loss, and in case of real estate before any repairs or alterations are made, give notice in writing of the same to some one of the Directors or other person appointed by the Directors, whose duty it shall be to view immediately the premises where the loss occurred, or otherwise make satisfactory inquiries into the circumstances attending it, and under oath determine in writing, by him subscribed, the amount, if any, of the liabilities of said corporation for such loss, and if the sufferer shall not acquiesce in such estimate, he may, within sixty days after he is notified of the estimate, bring an action at law against said corporation; if in this action he shall not receive his damages, more than the amount estimated as aforesaid, he shall be liable for all costs incurred in the suit, and execution shall issue against the corporation only for such amount as may be allowed after deducting said costs of suit, but if the amount allowed shall be greater than the estimate, then the corporation shall be liable for all the costs of the suit.

Payment of losses.

Duty of Director.

Costs of suits by whom payable.

SEC. VIII. That said corporation shall be entitled to hold real and personal estate to any amount necessary for the purpose of the same, shall have and use a common seal, and shall have power to make such by-laws, rules and regulations as may be thought proper, not repugnant to the laws of this State.

May hold real and personal property.

Seal.

By-laws.

SEC. IX. That when said corporation shall make insurance on any property, the interest of the person insured in said property shall be held as security for the payment of the deposit note given to the corporation, and the policy of the insured shall, from the time it issues, create a lien on the said property, and no transfer of the property shall affect the said lien; *Provided*, it shall be expressed in the policy that the insurance is made subject to such lien.

The policy shall be a lien on property.

Proviso.

SEC. X. That if any member of said corporation obtaining insurance, or in case of his death, his legal representative, shall refuse or neglect to pay any assessment within thirty days after the demand be made, or any installment on his deposit note, he shall be liable to a suit therefor by the corporation in any Court having competent jurisdiction, and also the liability of the corporation for the policy under which the payment is withheld, shall be suspended until said payment is made, and if said payment is not made within six months, the said policy shall be to all intents and purposes forever forfeited.

Neglect or refusal to pay assessment.

Policy forfeited.

SEC. XI. That any three of the persons herein named as corporators may call the first meeting by advertising the same for three successive weeks, in two public journals in the city of Augusta. Any three corporators may call first meeting.

SEC. XII. That any person insured shall have the right to return his policy, and demand his note at any time before it would expire by its own limitation; *Provided*, there is no unpaid assessment upon the note, or losses unprovided for. Right to return policy. Proviso.

SEC. XIII. That in all suits at law or in equity, prosecuted for or against said corporation, any member thereof, not being a party in his individual character to such suit or suits, shall be a competent witness. Any member not a party shall be a competent witness.

SEC. XIV. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 148.)

An Act to incorporate the Citizens Insurance Company of Atlanta.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That Samuel R. McCamey, John C. Whitner, John L. Bridges, William H. Hancock, A. P. Bell, J. R. Barrick, V. A. Gaskill, John M. Johnson, M. R. Bell, J. F. B. Jackson, and Perino Brown, and their successors, be, and they are hereby created a body politic, to be known as "the Citizens Insurance Company of Atlanta" for the purpose of doing a general Insurance business, with power to sue and be sued, to buy, own, enjoy and convey property, to make, break and alter a common seal at pleasure, to appoint agents, and to ordain, establish, and put into execution, such by-laws, rules and regulations, as shall be necessary and convenient for the government of said Corporation, and for carrying into effect the object and purposes of the same, not inconsistent with the laws of this State, and of the United States. Corporators. Name. Powers.

SEC. II. That the capital of said Company shall be two hundred thousand dollars, but may be increased to two millions of dollars, (if the stock plan be adopted as hereinafter provided,) that the said capital shall be divided into shares of one hundred dollars each, that one vote shall be allowed for each share, and absent Stockholders may vote by proxy. But the said Company may commence business whenever one hundred thousand dollars of its capital has been subscribed, and twenty-five per centum of the same has been paid up in lawful money. Capital stock. Shares and votes. Commence business. When.

SEC. III. That the said Corporators, or any five of them, may meet in Atlanta, any time within one year from the passage of this Act, and open books of subscription, at such times and places as they deem proper, and after one hundred thousand dollars has been subscribed, they shall call a meeting of the Stockholders who may proceed to elect a Board of Directors, of not more than nine nor less than five, and said Board of Directors shall have power to elect one of their number President of said Company; and that said Books of subscription. Organization.

Corporators shall turn over to said Board of Directors when elected, all moneys, books and property, in their possession. The President and Directors may appoint a Secretary, and such other officers and agents they may think proper, and regulate the salaries and commissions of the same, and remove them at pleasure.

Principal office.

SEC. IV. That the principal office of said Company shall be in the City of Atlanta, at which place, the President and Directors shall call a meeting of the Stockholders, on the second Wednesday in January in each succeeding year; notice of such meeting having been previously published for thirty days in the City papers, for the election of Directors for the ensuing year.

Annual meeting.

SEC. V. That a majority of the Directors, resident in Atlanta, shall constitute a quorum for the transaction of business, and the President and Directors, shall have power to call in such installments of the unpaid stock, as they may deem proper for the best interests of the Company, or to meet the losses of the same; and also, to examine into and determine upon the adequacy of security of notes, for unpaid stock.

Installments.

Powers and privileges.

SEC. VI. That all the rights, powers, privileges and immunities heretofore granted to, and conferred upon the Southern Mutual Insurance Company, of Athens, and the Georgia Home Insurance Company, of Columbus, be, and the same are hereby granted to, and conferred upon the Citizens Insurance Company, of Atlanta, and the President and Directors of said Citizens Insurance Company, of Atlanta, may adopt the mutual or stock plan or a combination of both, as they may choose.

May insure against accidents.

SEC. VII. That the said Citizens Insurance Company of Atlanta, are also authorized to insure persons and property against any accident or injury to the same, occurring in any manner whatever, and against the loss, injury or destruction of property, arising from general accidents in travelling, and transportation, or transit.

Benefit of whom.

SEC. VIII. That Insurances may be effected for the benefit of either the insured, or of such person or persons as he or she may direct.

Duration.

SEC. IX. That this Charter, and all the privileges and powers herein granted, shall continue in force for thirty years from the passage of the same, and all laws and parts of laws conflicting with the same, in any manner whatever, are hereby repealed.

Approved 21st March, 1866.

(No. 149.)

An Act to amend an Act entitled an Act to incorporate an Insurance Company, in the City of Augusta, to be called the Commercial Insurance Company of Augusta, assented to, April 18th, 1863.

SEC. I. *The General Assembly of the State Georgia do enact,* That section the 6th of the above recited Act, be, and the same is hereby repealed, and from and after the passage of this Act, the following shall be substituted in lieu thereof:

"In all cases when the claimant shall be compelled to institute a suit for the recovery of any loss on property or other assurance, made by said Company, the same shall stand in order for trial at the first term, and if the said company shall neglect or refuse to pay such losses within six months after the happening of the same, when there is no dispute as to the amount claimed, or within ten days after final recovery against them, in cases disputed, then and in such event, this charter may be declared null and void."

Amendment to Sec. 8th of Act of April 18th, 1866.

Approved 9th March, 1866.

(No. 150.)

An Act to change the name of the Confederate Fire and Marine Insurance Company, and to make more definite the liabilities of the Stockholders.

SEC. I. *The General Assembly of the State of Georgia do enact*, That the name of the Confederate Fire and Marine Insurance Company, of Atlanta, be changed to the Empire State Insurance Company.

Name changed.

SEC. II. That instead of section seventh in the charter of the Company, there shall be substituted the following:

"That the Directors shall have power to call in any portion of said stock notes, whenever the cash on hand may be insufficient to meet the losses of the Company, and if the owners of any stock shall fail or neglect to pay such installments, as may be thus called for, within thirty days after such call, such stock shall be forfeited to the Company, and the note shall become a lien on the property of the owners of said stock, for the benefit of the creditors of the Company."

Substitute for Sec. 7th, of Charter of Company.

SEC. III. That these alterations shall take effect as soon as accepted by the Directors of the Company.

When alterations shall take effect.

Approved 24th February, 1866.

(No. 151.)

An Act to incorporate the Gate City Insurance Company, of the City of Atlanta.

SEC. I. *The General Assembly of Georgia do enact*, That there shall be established in the City of Atlanta, an Insurance Company, the capital stock of which shall be one hundred thousand dollars, with the privilege of increasing the same to two hundred and fifty thousand dollars, to be divided into such number of shares as may be determined by the Stockholders; and they may organize when fifty thousand dollars of capital stock has been subscribed, and when twenty thousand dollars of said subscriptions has been paid in, the Stockholders to be liable to pay the full amount subscribed, if called upon to do so.

Capital stock and shares.

May organize. When.

Corporators.

Style and powers.

SEC. II. That Robert J. Lowry, William M. Lowry, James H. Porter, William Markham, and Robert F. Maddox, or any three of them, citizens of the City of Atlanta, and their associates and successors are hereby created a body corporate and politic, under the name and style of the Gate City Insurance Company; by which name they may have, purchase, receive, possess, enjoy and retain, and sell property of all kinds; sue and be sued, plead and be impleaded, in all Courts of law or equity, have and use a common seal, which they may break, alter and renew at pleasure, elect its own officers, and make such rules and by-laws as may be deemed necessary, to carry into effect the objects of this Corporation.

Directors.

President.

Other officers.

Vacancies.

Proviso.

SEC. III. That said Corporation shall be managed by not less than five Directors, a majority of whom shall constitute a quorum for the transaction of business, each of which Directors shall be a Stockholder to the amount of twenty-five hundred dollars, who shall be elected at such time and place as the Corporators and their successors may designate, and hold their office for one year, or until their successors are elected; the Directors aforesaid shall, out of their number, elect a President, who shall serve for twelve months, or until a successor is elected, and fill any vacancy by death or otherwise, and (in?) the office of President, and with the advice and consent of the President, elect a Secretary, actuary or any other officer or agents, whose services may be needed in carrying out the objects of this corporation; a vacancy in the Board of Directors can only be filled by the Stockholders at a meeting held after notice of the time and place of meeting; *and further*, that there shall be one vote for each share, and absent Stockholders may vote by proxy, *provided*, the party so voting as proxy, is himself a Stockholder.

Powers of Board.

Installments.

Delinquent Stockholders.

Dividends.

SEC. IV. That said President and Directors shall have power to appoint and remove at pleasure, all officers or agents, of said Corporation; they shall have power to appoint agents, and locate offices, in such places and at such times, as they shall deem best for the interest of said Company; to prescribe the duties of agents and officers, to take from them bonds for the faithful performance thereof; to appoint a President *pro tem* in the absence of the President; *and further*, that said President and Directors shall have power and authority, from time to time, to call for the payment of the unpaid stock, in such sums as they may deem proper; and said stock shall be considered and held as personal property; and upon the neglect or refusal of any Stockholder to pay the installments, as called for by the President and Directors, thereupon, ten days notice being given in one or more of the City papers, said Board may sell such stock at public outcry, and said delinquent Stockholders shall still remain liable for any balance due, or which may become due by him, to said Corporation, and may be sued therefor, in any Court having jurisdiction; and said President and Directors shall have further power to make dividends, and fix the place

and define the manner of paying the dividends, paying interest and transferring stock; and said President and Directors shall have power to give the holders of the policies of said Company, the right to participate in the net profits of the Company, to such an extent, in such manner, and upon such terms, as they shall deem proper.

SEC. V. That said Corporation shall have authority to insure against losses by fire in all kinds of property, either real, personal, or mixed; also against all the hazards of ocean, or inland navigation, and transportation of every kind; also, to make insurance on lives, and all and every insurance appertaining to the duration of life, for such premiums as it may determine, and said Company shall be liable to make good and to pay to the several persons who may insure in said Company for the losses they may sustain, or for life insurance in accordance only with the terms of the contract, or policy issued by said Company, and no policy, or other contract, of said Company, shall be binding, except it be signed by the President or Vice-President, and Secretary, or Actuary, of said Company, and said Company shall have power to receive money on deposit, to loan and borrow money, to take and give such securities therefor as may be considered best; to invest its moneys upon such terms as may be best, and transfer its property at pleasure; to purchase and discount notes, and bills of exchange, and do all other acts it may deem advisable, for the safe keeping, and secure investments of its funds, and said Company shall have power and authority to make re-insurances of any risks that may be taken by them.

Powers as to insurance.

Policy when binding.

Other powers.

SEC. VI. That the said Company shall be responsible to its creditors, to the extent of its property, and the Stockholders shall be liable to the full extent of the amount of their respective stock for the debts of the Company, in proportion to the number of shares held by each.

Liability of Company and Stockholders.

SEC. VII. That all claims for losses against said Company shall be due, and payable in sixty days after proof of the loss has been furnished, at the office of said Company; and in disputed cases in ten days after final decision of the proper tribunal, and in each case named, the sum ascertained to be due, shall bear interest from the times made due and payable.

Payment of claims.

SEC. VIII. That all bills, bonds and promissory notes, made payable at the office of said Company, shall have the same legal effect, and may be subject to all legal remedies, the same as if they were made payable at any Bank in this State; *Provided*, nothing herein contained shall be so construed as to authorize said Company to issue bills or notes to be used as currency.

Bills, bonds, &c.

Proviso.

SEC. IX. That this charter shall continue and be in full force for the term of thirty years.

Duration.

SEC. X. That the said Stockholders shall not be exempt from the payment of the debts due by said Corporation, notwithstanding its extinction, suspension, forfeiture of charter, *non user*, or cessation to transact business, but shall be held liable in all the Courts

Extinction, &c., of Company.

of this State, for the said outstanding liabilities, when suits have been commenced against them within twelve months of such extinction, suspension, forfeiture of charter, *non-user*, or cessation to transact business.

SEC. XI. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 152.)

An Act to amend the second section of an Act entitled an Act to incorporate the Georgia Citizens Insurance Company, assented to December 12th, 1859.

Amendment of 2nd Section of Act of Dec. 12th, 59.

SEC. I. *Be it enacted*, That the second section of the Act entitled an Act to incorporate the Georgia Citizens Insurance Company, assented to December 12th, 1859, be, and is hereby amended, so that the capital stock of said Insurance Company may be increased, at such times and in such manner as the President and Directors may determine, to one million of dollars.

SEC. II. Repeals conflicting laws.

Approved 21st March, 1866.

(No. 153.)

An Act to incorporate the "Georgia Life and Accident Insurance Company", of the City of Atlanta.

Corporators. Style. Objects.

SEC. I. *The General Assembly of the State of Georgia do enact*, That Jackson T. Taylor, Willis Parker, V. A. Gaskill, and such others as they may hereafter associate with them, and their successors, are hereby made and constituted a body corporate and politic, under the name and style of the "Georgia Life and Accident Insurance Company, of the City of Atlanta", the objects and purposes of said Corporation being the insurance of life, and against accidents of all kinds, and injuries of every character, to which the persons or health of individuals is liable.

Capital Shares. When commence business.

SEC. II. That the capital stock of said Company shall not exceed one hundred thousand dollars, which may be divided into such number of shares as the majority of the members of said Company may determine; and when twenty-five thousand dollars shall have been paid in, under such rules and regulations as may be adopted by a majority of the Company, the Corporation may commence business and prosecute the same, for the purposes herein declared.

Place of business. Organize when.

SEC. III. That the place of business of said Corporation shall be the City of Atlanta, in which, so soon as this Act shall become a law, the Corporators herein mentioned, or a majority of them, may meet and organize, and open subscription for stock under such rules as they or a majority of them, may prescribe, and may keep

open said books of subscription, until the whole capital stock of one hundred thousand dollars is subscribed, or close the same at pleasure; *Provided*, That no insurance policy shall be engaged in by said Company, until twenty-five thousand dollars shall be paid in. Proviso.

SEC. IV. That said Company, under such rules as a majority of the same may prescribe, may, so soon as the subscriptions to the capital stock shall reach the sum of fifty thousand dollars, elect such officers, as in their judgment may be required to carry on the business of said Corporation. May elect officers. When.

SEC. V. That said Company shall be capable of holding, receiving, purchasing, and possessing any property, real or personal, for the use, benefit, or advantage, of said Corporation, and to sell, or otherwise dispose of the same; may have, and use a common seal, which they may break, alter and renew at pleasure; may pass all by-laws, rules, and ordinances, which may be necessary for the purposes of the Corporation, and the control of its members, not inconsistent with the Constitution and laws of this State, or of the United States; may, by their corporate name, sue and be sued, plead and be impleaded, answer and be answered unto, in any Court of law or equity, having competent jurisdiction, and that the liabilities of the Stockholders for the debts of the Corporation, shall not extend beyond the value of their respective shares. Powers. Liabilities.

SEC. VI. That said Company shall be bound to pay all losses on life or other assurances made by them, on proper demand, and proof of said loss, and in every case of failure to do so, when the fact of said loss is established, they shall be liable to be sued by the person insured, his representative, agent or attorney, in any Court of this State, having competent jurisdiction, which suit shall stand in order for trial at the first term. If it should be decided by the jury trying the cause that said loss had occurred, and that the party demanding payment therefor, had submitted reasonable proof of the same, to said Company, it shall be the duty of the jury to render a verdict for the principal claimed, with an addition of twenty per cent from the date of such demand, and failure. Losses.

SEC. VII. That the said Corporation shall, and may continue for the term of thirty (30) years, from the passage of this Act, unless the Legislature should deem its repeal necessary for the public good, or the same should be forfeited by the violation of any of the provisions which it contains. Duration.

SEC. VIII. Repeals conflicting laws.

Approved 7th March, 1866.

(No. 154.)

An Act to amend an Act entitled an Act to incorporate, in the State of Georgia, an Insurance Company, to be called "the Great Southern Insurance Company", assented to December 17th, 1861.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia,*

That the 4th section of the above recited Act, be, and the same is hereby altered and amended, so that the words "Confederate States" therein used, be changed to "United States".

Amendment.

SEC. II. That the Stockholders of said Company, at any Stockholder's meeting, may reduce the number of Directors to such a number as they shall consider most convenient, for the efficient transaction of the Company's business.

No. of Directors.

Approved 23rd February, 1866.

(No. 155.)

An Act to revive, alter, and amend, an Act entitled an Act, to incorporate an Insurance Company, in the City of Columbus, to be called "the Merchants Insurance Company, of Columbus Georgia", assented to November 14th, 1864, and change the name to the Merchants and Planters Insurance Company, of Columbus Georgia.

SEC. I. *Be it enacted, &c.*, That section second of an Act entitled an Act to incorporate an Insurance Company in the city of Columbus, to be called "the Merchants Insurance Company, of Columbus Georgia" assented to November 14th, 1864, be. and is hereby so altered and amended, as to strike out the commissioners therein named, and insert in lieu thereof, the names of L. Livingston, W. H. Young, W. W. Garrard, W. H. Hughes, N. N. Curtis, Thos. S. Spear, E. Barnard, R. L. Mott, J. L. Mustian, D. F. Wilcox, James K. Redd, and H. M. King; and also, to strike out in the seventh line of said second section, the words "eighteen hundred and sixty-five", and insert in lieu thereof, the words "eighteen hundred and sixty-seven".

Commissioners.

Time of opening subscriptions.

SEC. II. That section seventh of above recited Act, be so amended as to add, after the words "may determine", in the fifth line, the words "and also, insure on rents of real estate, and life policies, and guarantee the payment, punctual performance and collection of promissory notes, bills of exchange, contracts, bonds, accounts, claims, annuities, mortgages, evidences of debts, and certificates of property or value, and titles to property, real and personal.

Risks and insurance.

SEC. III. That whenever the words "Confederate States" occur in said Act, the words "United States" shall be inserted in lieu thereof; and whenever the words "Merchants Insurance Company" occur, the words "Merchants and Planters Insurance Company" shall be inserted in lieu thereof, and said Company shall hereafter be known as the "Merchants and Planters Insurance Company", of Columbus Geergia.

Striking out and inserting.

Name.

SEC. IV. That with the foregoing alterations and amendments, the above recited Act, assented to November 14th, 1864, be, and the same is hereby revived.

Act revived.

SEC. V. Repeals conflicting laws.

Approved 24th February, 1866.

(No. 156.)

An Act to incorporate the North American Fire Insurance Company of Atlanta.

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, and it is hereby enacted by the authority of the same,* That James J. Morrison, H. P. Farrow, Wm. Jennings, John R. Wilson, James E. Butler and James O. Harris, of the city of Atlanta, and their associates and successors shall be, and they are hereby erected into a body politic and corporate in law and in fact under the name and style of the North American Fire Insurance Company, of Atlanta, and by that name and style shall have succession of officers and members, and all the powers, privileges and franchises incident to corporations, of suing and being sued in all the Courts of this State, and have and use a common seal, and the same to alter and renew at pleasure, and they are hereby empowered to appoint a President and Directors, and such other officers, at such periods and with such duties as they shall see proper, and also to make such rules and ordinances, and to do everything needful for the good government and management of the affairs of the said corporation, *Provided always,* that the said rules and Ordinances shall not be repugnant to the Constitution and laws of this State or the United States.

Corporators.

Style.

Powers.

Officers.

Proviso.

SEC. II. That the capital stock of this corporation shall be one hundred thousand dollars, to be divided into one thousand shares of one hundred dollars each, which capital stock may hereafter be increased to any amount not exceeding five hundred thousand dollars, in such manner and at such times as a majority of the stockholders may determine, and that the books of subscription shall be opened at such time and place, in the city of Atlanta, as a majority of the persons named in the first section of this Act may direct, which books shall be kept open until the sum of one hundred thousand dollars shall have been subscribed, and ten per cent paid thereon, and the said persons or a majority of them, shall within twenty days after the books of subscription are closed, call a meeting of the stockholders, who shall proceed to the election of seven Directors, and the said Directors shall elect one of their own number President, and one Vice President, and the President and Directors elected in pursuance of this Act shall have full power and authority to appoint and remove at pleasure all officers and agents of said corporation, to fix their compensation, prescribe their duties, provide for the taking of bonds from them, for the security of the Company, for the faithful performance of their duties, and they shall also have power to fill any vacancy which may occur in their own body for the time for which they may have been elected.

Capital.

Shares.

Books of subscription opened when, where.

Election.

Officers.

Bonds.

Vacancies.

SEC. III. That the Directors, President and Vice President shall hold their offices for one year or until their successors are elected, and it shall be the duty of the President and Directors to call an annual meeting of the Stockholders to make such election, and in

Term of office.

Duty of President and Directors.

all meetings of the Stockholders those holding a majority of the stock shall constitute a quorum, and each Stockholder shall be allowed one vote for each share of stock he holds or represents, and the power to vote for such represented stock may be conferred by any written expression of the Stockholder appointing a proxy to vote for him, *Provided*, that no one not a Stockholder shall be capable of acting as a proxy for another.

Votes.

Proviso.

SEC. IV. That this corporation shall have full power to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey or dispose of real estate, United States or State stocks or bonds, city of Atlanta bonds, mortgage securities, bills of exchange or other personal securities, *Provided*, that it shall not be lawful for the said Company to use or employ any part of their funds or money in buying or selling goods, wares and merchandize, nor in the trade or business of exchange brokers, nor shall the Company issue or emit any notes or bills of credit as a circulating medium, nor in any manner use any of the funds of the Company in the business of Banking.

May hold property, real and personal, &c.

Proviso.

Company shall not issue bills.

SEC. V. That the President and Directors shall have power to make assessments on the subscription to the capital stock in such amounts, and at such times as they may deem necessary or proper for the better management of the affairs of the Company, or the prompt payment of its liabilities, notice of which assessments publication shall be made for five consecutive days in a daily paper published in the city of Atlanta, thirty days before the same shall be due and payable, designating the time when, and the place where such assessment shall be paid, and if any stockholder shall neglect or refuse to make payment as required, his stock may be sold by order of the President and Directors, and such Stockholder shall be liable, at the option of the President and Directors, then and thereafter for any and all assessments made in accordance with the provisions of this section, as Stockholders to this corporation, and may be sued therefor in the Superior Court of Fulton county for the same.

Assessments.

Liabilities.

May be sued, where.

SEC. VI. That the said Company shall have the right and power by their said name, and by the signature of the President for the time being, or by the signature of such other person or persons as they shall from time to time, in their rules and ordinances, ordain and appoint to make contracts and underwrite policies of insurance and indemnity against fire on all buildings, goods, wares, merchandise, or other property, situate, lying or being, or deposited in this State or elsewhere, or in transit by land, and to fix the rate of premium, and such contracts shall effectually bind their said capital stock, and any and all moneys, credits, property real and personal, of the corporation, and each and every stockholder shall be liable and be held bound on said contracts to the full amount of his stock not paid up.

Policies of insurance.

SEC. VII. That the President and Directors shall fix the places

and mode of transfer of certificates of stock and the disbursement of dividends, and at all meetings of the President and Directors, a majority shall constitute a quorum, *Provided* that no dividends shall be paid to any Stockholder until the full amount of his stock shall have been paid in by payment of assessments, or credits of profits, and no dividends shall be paid except the capital stock be and remain unimpaired. Transfer of stock. Dividends. Proviso.

SEC. VIII. That all bonds, bills and promissory notes made payable at the office of the North American Fire Insurance Company, of Atlanta, shall have the same legal effect and be subject to the same legal remedies as if the same were made payable in or at a bank or banks of this State. Bonds, bills, &c.

SEC. IX. That this charter, and the privileges and powers herein granted, shall continue in force for the full term of thirty years, and that the property, funds and business transactions of the Company shall be subject to the same rates of taxation as are or may be imposed by law, upon the property and similar transactions of individuals. Duration. Taxation.

Approved 5th March, 1866.

(No. 157.)

An Act to amend An Act entitled An Act to incorporate the Oglethorpe Insurance Company, of Savannah, assented to, November 24th, 1863, and for other purposes.

SECTION I. *The General Assembly of the State of Georgia do enact,* That the second, (2nd,) section of the above entitled Act be and the same is hereby amended by striking out from said second section the clause commencing with the words "Provided that" and ending with the words "demand of the Company," and by changing the word "Confederate" to "United." Second Sec. amended.

SEC. II. That the fourth (4th) section of the said Act be and the same is hereby amended by striking out the words "a President, *pro tempore*," after the word "Stockholders" and substituting therefor the words "a Vice President to assist the President and." Fourth Sec. amended.

SEC. III. That sections nine, (9,) ten, (10,) eleven, (11,) and thirteen (13) of said Act be, and the same are hereby repealed, and that there be substituted in lieu thereof, respectively, the following sections, to-wit: Sections 9, 10 11 and 13, repealed.

"SEC. IX. That said corporation shall have authority to insure against losses by fire in all kinds of property, real or personal, or mixed, choses in action, also against all hazards of ocean or inland navigation or transportation of any kind, also to make insurance on lives and all and every insurance appertaining to the duration of life and accidents of every description, whether they may occur while traveling or not, for such premiums as it may determine, and said Company shall be liable to make good and pay to the several persons who may insure in said Company for the losses they may Risks and insurance. Liability for losses.

sustain, or for life or accident insurance in accordance only with the terms of the contract or policies issued by said Company, and no policy or other contract of said Company shall be binding except it be signed by the President or Vice President, Secretary or Actuary of said Company, and said Company shall have power to receive money on deposit, paying therefor such interest as may be agreed upon, to loan and borrow money, to take and give therefor such securities as may be considered best, to invest its funds upon such terms as they may deem best, and transfer its property at pleasure, to purchase and discount notes and bills of exchange, and do all other acts it may deem advisable for the safe keeping and secure and profitable investment of its funds, and said Company shall have power and authority to make re-insurance of risks that may be taken by them, and that all bills, bonds and promissory notes made payable at the office of said Company shall have the same legal effect and may be subjected to all legal remedies the same as if made payable to any Bank in the State, and all privileges of removal heretofore granted to the Banks of Savannah in case of invasion or otherwise are hereby granted to this Company.

Policy when binding.

Other powers.

Re-insurance.

Bills, &c.

Privileges of removal.

SEC. X. That said Company shall have power, when deemed advisable by them for the interest of the Company, to separate the Life and Accidental department of their business from the general business of the Company, and when so separated all the funds, whether received for premiums, interest, dividends or otherwise, in said department shall be held as a separate and secure trust for the sole use and benefit of those who may be insured in that department, free from all other claims against said corporation of every kind; and it shall be lawful for any married woman to insure the life of her husband against death or accident, for the sole use and benefit of herself and children, and to pay the premium for the same.

Life and Accident departments.

Right of married women to insure.

SEC. XI. That the said Company shall be responsible to its creditors to the extent of its property, and the Stockholders shall be liable to the extent of the amount of their respective stock subscribed for by them, for the debts of the Company in proportion to the number of shares held by them.

Liability of Company and Stockholders.

SEC. XIII. That all claims for losses against said Company shall be due and payable in sixty days after the proof of the loss has been furnished at the office of said Company, and in disputed cases in ten days after final decision of the proper tribunal, and in each case named, the sum ascertained to be due shall bear interest from the time made due and payable."

Payment for losses.

Approved 10th March, 1866.

VII. LAND AND LUMBER COMPANIES.

ACT NO. 158, BRUNSWICK IMPROVEMENT COMPANY.
" " 159, GEORGIA LAND AND LUMBER COMPANY.

(No. 158.)

An Act to amend an act to incorporate the Brunswick Improvement Company, passed on the 9th February, 1854, *and to extend the privileges of the same.*

SEC. I. *The General Assembly of the State of Georgia do enact,* That the said Brunswick Improvement Company shall be and hereby is authorized to construct, own and operate mills to saw lumber, and to engage in other manufacturing, to own and employ steamers and other vessels, and to purchase or to construct any canals connecting with the harbor of Brunswick that said Company may consider to be useful in aid of its business; *Provided,* the same does not infringe on the vested rights of any other Canal Company now existing, and the said Brunswick Improvement Company shall have all such rights, powers and privileges in regard to the same as have heretofore been granted to other Canal Companies by the Legislature of Georgia. May construct own and operate mills to saw lumber, &c. Canals. Proviso.

SEC. II. That the shares of stock of said Company shall be of one hundred dollars each, and that the capital of the same may be increased to one million, five hundred thousand dollars, ($1,500-000.) Shares and capital stock.

SEC. III. That John B. Gordon, E. L. Strohecker and Henry C. Day be and are hereby added to the corporators named in the above recited Act, as authorized to organize said Company. Corporators added.

SEC. IV. That nothing herein contained shall be so construed as to prevent the State of Georgia from taxing the property of said corporation as all other property of this State. Taxation.

SEC. V. Repeals conflicting laws.

Approved 26th March, 1866.

(No. 159.)

An Act to incorporate the Georgia Land and Lumber Company.

SEC. I. *The General Assembly of the State of Georgia do enact,* That Abraham Haworth, William Pickstone, Jno. Stewart, Robert Rumney and H. E. Lee, of Manchester, England, and their associates and successors, are hereby created a body politic and corporate, under the name and style of the Georgia Land and Lumber Company, with power to sue and be sued, to have and use a corporate seal, to purchase real estate for cultivation, and to be used for the purposes of the lumber trade, with power also to dispose of and convey real estate so purchased, and to adopt such by- Incorporated. Name. Powers.

laws, rules and regulations as they may deem advisable and proper to carry out the objects of said incorporation, not inconsistent with the Constitution or laws of the United States or of this State, or the provisions of this charter. The corporators named, or a majority of them, may at any time, within twelve months from the passage of this Act, organize said Company, by the election of a President and Board of Directors, with such other officers as they may deem necessary.

SEC. II. The principal local office of said Company shall be located at Macon or Albany, in this State, and the object of incorporating said Company is hereby declared to be to enable them to purchase and hold, for the purposes aforesaid, and convey in and by their corporate name aforesaid, real property within the State of Georgia.

SEC. III. The property of said Company shall be taxable in the same manner and to the same extent only, as real estate owned by individuals residing within this State.

SEC. IV. The capital stock of said Company shall be two hundred thousand dollars, with power to increase the same to any amount not exceeding one million dollars.

SEC. V. That one half the capital stock of said Company shall be owned by citizens of this State.

SEC. VI. That all the private property, both real and personal, of each respective stockholder, shall be held liable for all corporate liabilities and contracts to the amount of his, her or their subscribed stock yet unpaid.

Approved 21st March, 1866.

VIII. MANUFACTURING COMPANIES.

ACT NO. 160, ALABAMA & GEORGIA MANUFACTURING COMPANY.
" " 161, BUCKS MANUFACTURING COMPANY.
" " 162, CARROLL MANUFACTURING COMPANY.
" " 163, CENTRAL GEORGIA MANUFACTURING COMPANY.
" " 164, CHATTAHOOCHEE MANUFACTURING COMPANY.
" " 165, COLUMBUS MANUFACTURING COMPANY.
" " 166, CUTHBERT MANUFACTURING COMPANY.
" " 167, DAWSON MANUFACTURING COMPANY.
" " 168, EAGLE & PHŒNIX MANUFACTURING COMPANY.
" " 169, EMPIRE STATE MANUFACTURING COMPANY.
" " 170, GATE CITY FOUNDRY, CAR MANUFACTURING, MACHINE WORKS.
" " 171, GEORGIA MANUFACTURING & PAPER MILL COMPANY.
" " 172, GRAND BAY MANUFACTURING COMPANY.
" " 173, HANSELL MANUFACTURING COMPANY, OF CAMPBELL COUNTY.
" " 174, METCALFE MANUFACTURING COMPANY.
" " 175, ROSWELL MANUFACTURING COMPANY.
" " 176, STEAM COTTON MILL COMPANY.

(No. 160.)

An Act to incorporate the Alabama & Georgia Manufacturing Company.

SEC. I. *Be it enacted, by the Senate and House of Representatives of the State of Georgia, in General Assembly met,* That James Metcalf.

George Huguley, Benjamin H. Hill, William P. Chilton, and Geo. W. Huguley, together with such other persons as may hereafter be associated with them and their successors, be, and they are hereby made and constituted a body corporate in fact and in name, under the name, style, and title of the Alabama & Georgia Manufacturing Company, and by that name shall be and are hereby made able and capable at law, to have, hold, receive, purchase, possess and enjoy, to them and their successors, all real and personal estate, of whatever kind or amount said corporation may deem necessary to carry all the objects of said corporation into full force and effect, and may sell, grant, convey, or otherwise dispose of the same, and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all Courts having competent jurisdiction; to make, use, and have a common seal, and the same to alter, break, and renew at pleasure, and to do all other acts incident to a body corporate and politic. Corporators. Style. Powers.

SEC. II. That the objects of said corporation shall be the manufacture of wool and cotton into thread and cloth, the manufacture of meal, flour, lumber, shingles, boards, and machinery of any description, or such branches or parts thereof as they see proper to engage in. And to enable the said persons named in the first section of this charter to carry out the purposes of this charter, they and their successors, and associates, may control and use the water of the Chattahoochee river, so far as the riparian rights of this State are concerned, by locks, dams, canals, or otherwise, for manufacturing purposes generally; *provided,* that nothing in this act shall be so construed as to give said corporators, or their successors, the privilege to interfere with, or disturb, the vested rights of any person or persons whomsoever, either on the east or west bank, or islands in, the Chattahoochee river, and that said dams, locks, and canals, shall not extend more than half way across said river, from the west side, and to secure their property against loss by fire, or other injuries, may prevent persons from building fires, or camping, within two hundred yards of the factory buildings. Objects. May use water of Chattahoochee river. Not to disturb vested rights. Restriction as to dams. Protection as to Factory buildings.

SEC. III. That said body corporate shall have power to prescribe the number of shares into which the capital stock of said corporation shall be divided, the mode in which it shall be taken, paid, transferred, or assigned, and also to provide the mode by which stockholders may vote, and the number of votes to which each share shall be entitled; that the rules adopted shall be uniform, equally securing the rights of each stockholder, and also to provide for the election of such officers as may be deemed necessary for the government, and management, of the affairs of the corporation; to ordain, establish, and put in execution, such by-laws, ordinances, and resolutions, as they shall deem necessary and expedient for the government of said corporation, not inconsistent with the Constitution and laws of the State of Georgia, or of the United States, and in general to do and execute all and singular Power as to shares and notes. Election of officers. By-laws.

the acts, matters, and things, which may be necessary for manufacturing.

Banking privileges prohibited.

SEC. IV. That said corporation shall not exercise banking privileges, but is authorized to carry the foregoing granted powers into execution, according to the true intent aad meaning thereof.

Borrowing or loaning money.

SEC. V. That said corporation sha l have power to borrow money on mortgage, or other security, and to loan out its surplus earnings on similar security, or mortgage, and to ordain such rules and regulations with respect to stockholders who refuse to pay up any balance on their stock, as will compel them to pay upon penalty of forfeiting such stock to said corporation; *provided*, that no stockholder shall be liable beyond the amount of his, her, or their stock.

Defaulting stockholders.

Privileges as to dams, &c.

SEC. VI. That said corporation shall have the right and privilege to build, erect, make and preserve all dams, locks, canals, abutments, or other needful structures half-way across said Chattahoochee river, as may be necessary to give them the greatest amount of water power, and to use for that purpose the islands contiguous to their lands for abutments and dams, and to erect all needful buildings on the east side of the river, and to carry on any of the business and manufactures, or any branch, or branches, of the same, in this State, that said charter authorizes them to engage in, or carry on in the State of Alabama, and generally to do all acts coming within the legitimate scope of their business and objects aforesaid, which usually belong to bodies corporate and politic.

Buildings and manufactures.

Liability of stockholders.

SEC. VII. That the private property of the stockholders shall be liable for the debts of said corporation, to the amount of their subscribed stock not paid in at the time any suit may be commenced.

Capital stock.

SEC. VIII. That the capital stock of said Company shall be fifty thousand dollars, with permission to increase the same to one million of dollars, which stock shall be divided into shares of one hundred dollars each.

Taxation.

SEC. IX. That nothing in this act shall be so construed as to prevent the Legislature from taxing the property of said Company as other property in this State.

SEC. X. That said corporation shall not organize and commence business until the capital stock shall have been subscribed, and ten per cent of the same paid in.

Place of business.

SEC. XI. That the place of business of said corporation shall be Columbus, Georgia, or LaGrange, Georgia.

Approved 21st March, 1866.

(No. 161.)

An Act to incorporate the Bucks Manufacturing Company, in the County of Schley.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia, and it is enacted by the authority of the same,* That Nathan Respass, John R. Respass, Lindsey Killibrew, Thos. F. Rainey, Sam'l. H. Dunlap, and such other persons as may hereafter become associated with them, and their successors, shall be and they are hereby declared to be a body corporate and politic, under the name and style of the "Bucks Manufacturing Company," and by that name shall be, and they are hereby made able and capable in law to have, purchase, receive, possess, enjoy, and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects, of whatsoever kind, nature or quality the same may be; and the same to sell, grant, demise, or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, in any Court of law or equity in this State, having competent jurisdiction, and also to make and have a common seal, and also make, ordain, and establish, such by-laws, rules and regulations, as they may deem necessary and expedient to carry into effect the objects of the said Company, and the same to alter and amend at their pleasure; *provided*, the said by-laws, rules and regulations are not inconsistent with the Constitution and laws of this State, or of the United States.

Incorporated. Name. Powers. Proviso.

SEC. II. That the said Company shall be, and they are hereby authorized to manufacture and finish all yarns and goods of which wool and cotton, or other fibrous material, form a part, and to vend their manufactures and other merchandize.

Authorised to manufacture, &c. May vend.

SEC. III. That the capital stock of said Company shall be two hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the said capital stock at any time hereafter, as a majority of the stockholders may desire, which increase, if made, is to be divided into shares as aforesaid, and shall not exceed five hundred thousand dollars.

Capital. Shares. May increase capital.

SEC. IV. That said Company be authorized to open books for subscription for the stock of said Company, in such manner, and at such times and places, as said Company may determine upon, and to require the payment, in the first instance, of such sum per share, as may be, by the said Company, agreed upon.

Authorised to open books for subscription.

SEC. V. That so soon as the one half of said capital stock of said Corporation shall be subscribed for, and ten per centum of the same shall have been paid in to the Company in specie, or United States Treasury notes, or National currency, said Company may organize and commence business operations as contemplated in the second section of this bill.

May organize and commence business when.

Stockholders liable.

SEC. VI. That the stockholders in said Company shall be liable in proportion to the number of shares held by them respectively for the debts and liabilities of said corporation, and in the event of a transfer of such stock, or any portion thereof, the person so transferring the same shall give notice thereof by publication in one or more of the public gazettes in the cities of Americus or Macon, at least once a week for the term of six months.

Transfer of stock.

Duration.

SEC. VII. That said Corporation shall exist for thirty years, unless sooner dissolved by its own members, in which event due notice shall be given as in the preceding section.

SEC. VIII. Repeals conflicting laws.

Approved 6th March, 1866.

(No. 162.)

An Act to incorporate the Carroll Manufacturing Company.

SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That William Amis, John M. Moyers, William P. Chilton, and Jet. S. Miller, and such others as may hereafter be associated with them, and their successors, be, and they are hereby made and constituted a body corporate and politic, in fact and in name, under the style and title of the Carroll Manufacturing Company, and by that name shall be and are hereby made able and capable in law, to have, hold, receive, purchase, possess and enjoy, to them and their successors, all real and personal estate, of whatever kind or amount that said corporation may deem necessary to carry all the objects of said corporation into full force and effect; and may sell, grant, or convey, or otherwise dispose of the same; and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all the Courts of this State having competent jurisdiction; to make, use, and have a common seal, and the same to break, alter and renew at pleasure, and to do all other acts incident to a body corporate and politic.

Incorporated.

Name.

May hold real and personal estate.

May sue and be sued, &c.

Seal.

Objects of corporation.

SEC. II. That the objects of said corporation shall be the manufacture of wool and cotton into thread and cloth, the manufacture of meal, flour, lumber, shingles, boards, leather, and shoes, and machinery of any description, or such branches or parts thereof as they may see proper to engage in. Said corporation may locate their place of business at or near Bowensville, in the County of Carroll, on Snake's Creek, and for the objects of the corporation aforesaid, shall have and they are hereby granted the right and privilege of controlling the waters of said creek, by dams, canals, races, or otherwise; and to secure their property against loss by fire, and other injuries, they may prevent persons from camping or building fires within two hundred yards of the factory building.

Place of business.

May control waters of Snake's creek.

May prevent camping or building of fires near factory.

SEC. III. That the said body corporate shall have the power to prescribe the number of shares into which the capital stock of said corporation shall be divided, the mode in which it shall be taken, paid, transferred and assigned, and also to provide the mode by which stockholders may vote, and the number of votes to which each share be entitled; and the rules adopted shall be uniform, equally securing the rights of each stockholder, and also to provide for the election of such officers as may be deemed necessary for the government and management of the affairs of said corporation; to ordain, establish, and put in execution, such by-laws, ordinances, and resolutions, as they may deem necessary or expedient for the government of said corporation, and not inconsistent with the Constitution and laws of the State of Georgia, or of the United States; and generally to do, and to execute, all and singular the acts, matters and things, which may be necessary for manufacturing.

Shares. Votes. Elections. By-laws, &c.

SEC. IV. That said corporation shall have power to borrow money, on mortgage or other security, and to loan out its surplus earnings on similar security, or mortgage, and to ordain such rules and regulations with respect to stockholders who fail or refuse to pay up any balance on their stock, as will compel them to pay, upon penalty of forfeiture, such stock to said corporation; *provided*, that no stockholder shall be liable beyond the amount of his, her, or their stock.

Power to borrow or loan money. Defaulting stockholders. Proviso.

SEC. V. That the capital stock of said Company shall be fifty thousand dollars, with the privilege of increasing it to two hundred thousand dollars; and it shall be divided into shares of one hundred dollars each.

Capital. Shares.

SEC. VI. That the whole of said capital stock shall be subscribed and ten per cent. paid in, before said incorporation shall commence business.

When incorporation shall commence business.

SEC. VII. That the principal office of said incorporation shall be located at Bowensville, in the County of Carroll, State of Georgia.

Principal office.

Approved 12th March, 1866.

(No. 163.)

An Act to incorporate the Central Georgia Manufacturing Company.

SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That Andrew Low, Edward Padelford, John B. Ross, Isaac Scott, Charles A. Nutting, Pleasant M. Compton, William M. Wadley, Asher Ayers, William S. Holt, Thomas J. Smith, Lloyd G. Bowers, and A. L. Maxwell, and their associate stockholders, and their successors, shall be, and they are hereby declared to be, a body corporate and politic, under the name and

Incorporation.

Name. style of "Central Georgia Manufacturing Company," for the purpose of manufacturing cotton and woolen fabrics, machinery, and

Location. grinding grain, to be located in any one of the Counties of this State, said location and place of business to be selected and agreed upon by the owners of a majority of the stock of the corporators herein named, which place of business, when agreed on, shall be advertised in one of the public gazettes of this State for three months.

Capital stock. SEC. II. That the capital stock of this Company shall be fifty thousand dollars, which may, by a majority of the stockholders,

Shares. be increased to one million dollars, to be divided into shares of one hundred dollars each.

Act &c. incorporating Ocmulgee Mills made a part of this Act. SEC. III. That the Act passed and approved on the 27th day of February, eighteen hundred and fifty-six, and the amendments thereof incorporating Ocmulgee Mills, of Butts County, be and the same is hereby re-enacted and made a part of this Act to incorporate the Central Georgia Manufacturing Company.

Commence business when. SEC. IV. That said Company shall not commence business until the whole of the capital stock shall have been subscribed, and ten per cent of the same paid in, either in money or property.

Approved 12th March, 1866.

(No. 164.)

An Act to incorporate the Chattahoochee Manufacturing Company.

Corporators. SEC. I. *The General Assembly of the State of Georgia do enact*, That James Metcalf, Elisha Trammell, W. P. Chilton, Lucius B. Loveless, together with such other persons as may be associated with them and their successros, be and are hereby made and constituted a body corporate, in fact and in name, under the style

Style. and title of the Chattahoochee Manufacturing Company, and by that name shall be and are hereby made able and capable in law to

General powers. have, hold, receive, purchase, possess and enjoy to them and their successors, all real and personal estate of whatever kind or amount said corporation may deem necessary to carry all objects of said corporation into full force and effect, and may sell, grant or convey or otherwise dispose of the same, and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all Courts having competent jurisdiction; to make, use and have a common seal, and the same to break, alter and renew at pleasure, and to do all other acts incident to a body corporate and politic.

Objects. SEC. II. That the objects of said corporation shall be for the manufacture of wool and cotton into thread and cloth, the manufacture of meal, flour, lumber, shingles, boards and machinery of

Place of business. any description, or such branches or parts thereof as they may see proper to engage in. The place of business shall be at a place on

the Chattahoochee river, in the county of Harris, in the State of Georgia, in the neighborhood of the mill of Elisha Trammell, and to enable the said James Metcalf, Elisha Trammell, W. P. Chilton and Lucius B. Loveless to carry out the purposes of this charter, they and their successors may control the water of Chattahoochee river by locks, dams, canals or otherwise, for manufacturing purposes aforesaid, so far as this State and its riparian rights are concerned; *Provided*, the same shall in no way obstruct the main channel of said stream; and to secure their property against loss by fire and other injuries, may prevent persons from camping or building fires within two hundred yards of the factory buildings.

Control of water of Chattahoochee.

Protection of buildings.

SEC. III. That the said body corporate shall have the power to prescribe the number of shares into which the capital stock of said corporation shall be divided, the mode in which it shall be taken, paid, transferred or assigned, and also to provide the mode by which stockholders may vote, and the number of votes to which each share shall be entitled, and the rules adopted shall be uniform, equally securing the rights of each stockholder, and also to provide for the election of such officers as may be deemed necessary for the government and management of the affairs of said corporation; to ordain, establish and put into execution such by-laws, ordinances and resolutions as they shall deem necessary and expedient for the government of said corporation, not inconsistent with the Constitution and laws of the State of Georgia or of the United States, and in general to do and to execute all and singular the acts, matters and things which may be necessary for manufacturing.

Power as to shares.

Votes.

Officers.

By-laws.

SEC. IV. That if the officers are not elected by the stockholders on the day fixed by the by-laws or ordinances, the said corporation shall not for that cause be dissolved, and it shall be lawful to hold said election on some other day, according to the by-laws of said corporation.

Failing to elect officers.

SEC. V. That if any person shall sell or deal spirituous or intoxicating liquors within one mile of the said factory or mills of said corporation, by the retail or otherwise, such person or persons shall be subject to indictment in the Superior Court in the county in which the selling or retailing may be done, and may be liable to all the pains and penalties of the law then in force, concerning retailing without license, except for medical purposes.

Sale of spirituous liquors.

SEC. VI. That said corporation shall not have banking privileges, but is authorized to carry the afore-granted power into execution, according to the true intent and meaning thereof.

No banking privileges.

SEC. VII. That said corporation shall have power to borrow money on mortgage, or other securities, and to loan out its surplus earnings on similar security or mortgage, or to ordain such rules and regulations with respect to stockholders who refuse to pay up any balance on their stock as will compel them to pay upon penalty of forfeiting such stock to said corporatian; *Provided*,

May borrow or loan money.

Defaulting stockholders.

that no stockholder shall be liable beyond the amount of his or her stock.

Capital stock. SEC. VIII. That the capital stock shall be one hundred thousand dollars, with permission to increase to five hundred thousand, and that they shall not organize until the whole capital stock shall have been subscribed, nor shall they begin operations until ten per cent. of the entire capital stock shall have been actually paid in.

Begin operations.

SEC. IX. That all the private property, both real and personal, of each stockholder, shall be held liable for the debts and liabilities of the corporation, to the amount of his, her or their subscription remaining unpaid.

Liability of stockholders.

SEC. X. That the principal office of said corporation shall be in the city of West Point, Georgia; *Provided*, that nothing in this Act shall be so construed as to at all conflict with any vested private rights of any one whatever on the eastern or western bank or in any island of the Chattahoochee river.

Principal office. Proviso.

SEC. XI. Repeals conflicting laws.

Approved 21st March, 1866.

(No. 165.)

An Act to incorporate the Columbus Manufacturing Company, and for other purposes therein mentioned.

SEC. I. *The General Assembly of the State of Georgia do enact*, That Jas. Metcalf, Julius R. Clapp, Isaac Ross, W. P. Chilton, and S. Root, or a majority of them, together with such other persons as may hereafter be associated with them, and their successors, be, and they are hereby made, and constituted a body corporate in fact and in name, under the style and title of the Columbus Manufacturing Company, and by that name shall be, and are hereby made able and capable in law, to have, hold, receive, and purchase, possess, enjoy, to them and their successors, all real, and personal estate, said Corporation may deem necessary, to carry out the objects of said Corporation, into full force and effect, and may sell, grant, or convey, or otherwise dispose of the same, for the purpose of manufacturing any of the articles hereinafter specified, and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all Courts having competent jurisdiction, to make, use and have a common seal, and the same to break, alter and renew at pleasure, and to do all other acts incident to a body corporate, and politic, *provided*, that the limitation of the time of said Corporation shall be fifty years.

Incorporated.

Name.

May have and hold real and personal estate, and convey the same.

May sue, be sued, &c.

May use a common Seal and do other acts incident to a body corporate.

Duration.

SEC. II. That the objects of said Corporation, shall be for the manufacture of wool and cotton, into thread, cloth, or other fabrics, the manufacture of meal, flour, lumber, shingles, boards, wooden ware of all descriptions, paper of all kinds, machinery of all descriptions, all articles made of leather, and all and every other

Objects of corporation.

kind of goods, and wares and implements, or such branches, or parts thereof. as they may see proper to engage in. The place of business shall be on the Chattahoochee river, in the county of Muscogee, State of Georgia, at or near the site of the old Columbus or Clapp Factory, on the lands of said Corporation, and that the corporators aforesaid, and their successors, may control the water of the Chattahoochee river, by locks, canals, dams, or otherwise, for manufacturing purposes aforesaid; and to secure their property against loss by fire, or other injuries, may prevent persons from camping or building fires on the lands owned by said Corporation, except in such places as may be designated by said Corporation.

Place of business.

May control the waters of the Chattahoochee.

May prevent persons from camping or building fires on land.

SEC. III. That said body corporate shall have the power to prescribe the number of shares into which the capital stock of said Corporation shall be divided, the mode in which it shall be taken, paid, transferred, or assigned; and also, to provide the mode by which Stockholders may vote, and the number of votes to which each share shall be entitled, and the rules adopted shall be uniform, equally securing the rights of each Stockholder; and also, to provide for the election of such officers, as may be deemed neccessary, for the government of the affairs of said Corporation; to ordain, establish, and put in execution such by-laws, ordinances, and resolutions, as they shall deem necessary or expedient, for the government of said Corporation, not inconsistent with the Constitution and laws of the State of Georgia, and the United States, and in general, to do and to execute all and singular, the acts, matters and things, which may be necessary, for manufacturing as aforesaid, *provided*, that the capital stock of said Corporation shall not be less than two hundred thousand dollars, ($200.000) with the privilege of increasing it to one million ($1.000.000).

Shares.

Mode in which stock shall be taken, &c.

Votes.

Rules shall be uniform.

Election.

By-laws, &c.

Power to execute all necessary acts.

Proviso.

SEC. IV. That if any person shall sell ardent spirits, or intoxicating liquors, within one mile of the manufacturing buildings, and tenements of said Corporation, by the retail or otherwise, such person or persons, shall be subject to indictment, in the county in which the selling or retailing may be done, and may be liable to all the pains and penalties of the law, then in force, concerning the retailing without license, except for medical purposes.

Persons prohibited from selling ardent spirits within one mile of building.

Penalty.

SEC. V. That said Corporation shall not have banking privileges, but may have power to borrow money, on mortgage, or other security, and loan out its surplus earnings, on similar security or mortgage, and ordain such rules and regulations, with respect to Stockholders, who refuse to pay up any balance on their stock, as will compel them to pay, upon penalty of forfeiting such stock to said Corporation, *provided*, that no Stockholder shall be liable beyond the amount of his, her, or their stock.

Corporation shall not have banking privileges, but may borrow or loan money.

Defaulting Stockholders.

Proviso.

SEC. VI. That the individual property of each Stockholder shall not be liable for the debts of the Corporation, except to the amount of his, her, or their unpaid stock.

Stockholders not liable for more than shares.

When corporation shall commence business.

SEC. VII. That said Corporation shall not commence business until the capital stock shall have been subscribed, and ten per cent of the same be paid in, and nothing in this Act shall be so construed as to prevent the State from taxing the corporate property of said Corporation, as other property of this State.

Taxation.

SEC. VIII. Repeals conflicting laws.

Approved 10th March, 1866.

(No. 166.)

An Act to incorporate the Cuthbert Manufacturing Company, and to confer certain powers and privileges thereon.

Incorporated.

SEC. I. *The General Assembly of the State of Georgia do enact,* That Wm. S. Holt of Bibb, Chas. A. Nutting of Bibb, Jas. A. Brown of Randolph, Jesse B. Key of Randolph, Jas. B. Buchanan of Randolph, J. W. Harris of Randolph, J. M. K. Gunn of Randolph, and Edward McDonald, and such other persons as may be appointed with them, be, and they are hereby constituted a body politic and corporate, by the name of the Cuthbert Manufacturing Company, and by that name shall be able and capable to sue and be sued, to plead and be impleaded, and implead in any Court whatever, and may have and use a common seal, and may alter and renew the same at pleasure, and the said body corporate shall have all the powers, facilities, franchises, and rights, necessary and proper for the manufacturing of cotton and wool, for the grinding of grain, and for the manufacture and repair of machinery, for the erection of mills, and all other buildings and fixtures, necessary for the operation of the business of said Company; and shall have power and authority to purchase, lease and hold any property, real, personal, and mixed, which may be deemed by said Company, necessary for its purposes.

Name.

May sue and be sued, &c.

Corporation shall have all necessary powers.

May hold real and personal property.

Capital.

Shares.

SEC. II. The capital stock of said Company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, and said Company shall have the right at any time to increase said capital stock to any sum not exceeding one million of dollars.

May increase capital.

Books of subscription to be opened. When, where.

Subscription how paid.

SEC. III. Books of subscription to the capital stock of said Company, may be opened at such times and at such places as the directors may deem expedient, which subscription shall be paid in cash in installments, as called for by the Board of Directors.

Votes.

SEC. IV. That in all meetings of the Stockholders of said Company, each share of the stock shall entitle the holder to one vote, to be given in person or proxy, and said shares shall be considered as personal property, and shall be transferable in such manner as may be provided by the by-laws of said Company.

Shares personal property.

Affairs, how managed.

SEC. V. The affairs of said Company shall be managed by the persons named in the first section of this Act, and a majority of them, who are hereby constituted Directors of said Company, until Directors shall be elected as hereinafter provided.

SEC. VI. That the affairs of said Company, shall be managed by a Board of Directors, to consist of six persons, four of whom shall constitute a quorum, and they shall be elected annually, by the Stockholders, on such day and time as may be fixed by the by-laws, and one of the Directors so elected shall be then elected President, a majority of the votes of Directors being necessary to a choice; the election to be held the first regular meeting after the organization of the said Board, and annually thereafter, on such day and time as may be fixed by the by-laws of said Company, and the President shall have such powers and authority, and perform such duties as President, as may be prescribed by the by-laws, and the Directors shall continue in office until their successors are installed, and shall have power to appoint all subordinate officers, agents and servants, of said Company, necessary to the management of its affairs; and remove all the employees of said Company, the President included, and to fill all vacancies that may occur in the Board of Directors, or in the offices of said Company, by death, resignation, or otherwise, to call in from time to time, as they may deem proper, such installments on the capital stock, as may remain unpaid, to manage and conduct all its business of every kind, to borrow money, as in their judgment the exigencies of the Company may require.

Board of Directors to be elected annually, when.
One of the Directors shall be elected President. How.
Election, when.
President's powers prescribed.
Term of office.
May appoint subordinate officers.
May remove officers.
Vacancies.
May call in installments.
May borrow money.

SEC. VII. In the event that any of the subscribers to the capital stock of said Company, shall fail to pay any installment or installments, which may be required by the Board of Directors, on the stock subscribed for or held in their names, then the Board of Directors shall have power to declare said stock and all installments paid on it, forfeited to said Company, and said defaulting subscriber or subscribers, or those holding said stock shall be henceforth barred against all rights of recovery, from said Company, for the stock so forfeited; *Provided*, said Board of Directors shall, before said forfeiture, give to said delinquent subscriber or subscribers, or persons holding said stock, at least thirty days notice.

Defaulting Stockholders.

SEC. VIII. That the Provisional Board of Directors, authorized by this Act, shall call a meeting of the Stockholders, in said Company, to be held in Cuthbert, at such time as they may deem expedient, which meeting when assembled, shall proceed to elect a permanent Board of Directors, a majority of the Stockholders voting necessary to a choice.

Provisional Board of Directors shall call a meeting. When, where.
Election.

SEC. IX. That said Company be, and is hereby invested with the right and power to construct and maintain a Rail Road not more than one mile in extent, to connect with the South-Western Rail Road, on such terms and conditions as may be agreed on by said two Companies; the said Cuthbert Manufacturing company to pay just compensation for rights of way, to be fixed on such terms and conditions as may be agreed on between the owners of land, and said Cuthbert Manufacturing Company.

Right to build Railroad.
Company to pay for rights of way.

SEC. X. The Directors of said Cuthbert Manufacturing Compa-

By laws. ny, may make, ordain and establish, such by-laws, rules and regulations, as they may deem necessary and expedient, to carry into effect the objects of the Company, *provided*, such by-laws, rules and regulations, are not inconsistent with the laws of this State, or the United States.

Proviso.

When corporation shall commence business. SEC XI. That said Corporation shall not commence business until the capital stock shall be subscribed, and ten per cent paid in.

Stockholders liable. SEC. XII. That the individual property of each Stockholder shall be liable for the debts of said Company, to the amount respectively subscribed by them, and not paid in at the time any suit shall have commenced.

SEC. XIII. Repeals conflicting laws.

Approved 10th March, 1866.

(No. 167.)

An Act to incorporate the Dawson Manufacturing Company.

SEC. I. *The General Assembly of the State of Georgia do enact*, That Owen J. Nelson, Harrison Musgroves, Elliott B. Loyless, Leroy Brown, Martin L. Harp, John B. Perry, J. A. Hiers and Council B. Wooten, and their associate Stockholders, and their successors in office, shall be, and they are hereby declared to be a body corporate and politic, under the name and style of the Dawson Manufacturing Company, and by that name and style they may sue and be sued, plead and be impleaded, answer and be answered unto, in any Court of law or equity in this State, having competent jurisdiction, and may have and use a common seal, may make, ordain and establish, such by-laws, rules and regulations, as they may deem necessary and expedient, to carry into effect the object of the company; *Provided*, such by-laws, rules, and regulations, are not inconsistent with the laws of this State or of the United States.

Incorporated.

Name.

Powers.

Proviso.

Capital. Shares. SEC. II. That the capital stock of said Company shall not exceed two hundred thousand dollars, which shall be divided into shares of one hundred dollars each, but the Company may commence business as soon as forty thousand dollars shall have been paid in.

Commence business.

May manufacture cars, &c. SEC. III. That the said Company, organized as aforesaid, shall be authorized to manufacture Rail Road cars, and machinery of any description, or manufacture work of any kind, either in wood or metals; to purchase the necessary machinery, material, &c, therefor, and to use and vend their manufactured products, and to do whatever is legitimately connected with such operations or business.

May vend.

May hold property. SEC. IV. That the said Company shall have power to purchase, receive, hold and possess, any property, real or personal, for the use, benefit and advantage of said Company, and to sell and dispose of the same.

SEC. V. That the Stockholders in said Company, shall be liable in proportion to the number of shares held by them respectively, for the debts of said Company, which shall not exceed the amount of capital stock paid in, and existing at the time, in property and solvent demands due the Company. The shares shall be considered personal property, and shall be transferred only on the books of the Company, in person or by attorney. Liability of Stockholders. Shares personal property, how transferred.

SEC. VI. That the Corporators named in the first section of this Act, or any three of them acting, shall constitute a Board of Directors, for the first year, and they shall continue to act as such until others are elected in their stead. The annual meeting of the Stockholders shall be held at the office of the Company, in the town of Dawson, at such time as may be stated in the by-laws, from year to year. At each annual meeting, the Stockholders shall elect from among themselves, such number of Directors as the by-laws shall fix; the voting shall be by ballot, and according to the number of shares taken, but a failure of such election shall not work a forfeiture of charter, but the Directors of the previous year shall continue in office until their successors are elected; the Directors shall appoint one of their number President. Board of Directors. Annual meeting, when. Election. Voting how. Failure to elect no forfeiture. President.

SEC. VII. That the private property, both real and personal, of each respective Stockholder, shall be held liable to the amount of his, her or their subscribed stock, yet unpaid; *Provided*, That notwithstanding the dissolution, extinction, expiration by lapse of time, or *non user* of the charter, or the cessation of said Corporation to transact business, that the corporate property of said Corporation shall, at all times, be bound and liable for the payment of the corporate debts or contracts of said Corporation. Liability of Stockholders. Proviso.

SEC. VIII. That nothing in this Act shall be so construed as to prevent the Legislature from taxing the corporate property of said Company, as other property in this State. Taxation.

SEC. IX. That the principal place of business of said Company, shall be at Dawson, Georgia. Place of business shall be at Dawson.

SEC. X. Repeals conflicting laws.

Approved 7th March, 1866.

(No. 168.)

An Act to incorporate the Eagle and Phœnix Manufacturing Company of Columbus Georgia.

SEC. I. *The General Assembly of the State of Georgia do enact*, That John W. Brown, N. J. Bussey, S. B. Warnock, R. M. Gunby, W. J. McAllister, E. Waitzfelder, J. Rhodes Brown, J. M. Wright, W. H. Young, and such persons as now are, and may be hereafter associated with them, shall be, and are hereby constituted and declared to be a body politic and corporate, by the name and style of the Eagle and Phœnix Manufacturing Company, and by that name Incorporated. Name.

Powers.

they, their successors and assigns, shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all Courts, tribunals, and places whatsoever, and shall have power to adopt, make, and use a common seal, and the same at pleasure to change, alter and amend, and they and their successors, and their assigns, by the same manner and style, shall be capable of purchasing, holding and conveying any property whatsoever, necessary or expedient to carry out and fulfill the object of said Corporation.

Capital.

Shares.

SEC. II. That the capital of said Company shall be seven hundred and fifty thousand dollars, with the privilege of increasing the same to two millions dollars, divided into shares of one hundred dollars each, transferable in such manner and under such restrictions as the said Corporation by their by-laws, may require and direct.

Opening books of subscription.

First meeting of Stockholders.

Election of Directors.

SEC. III. That the above named persons, or a majority of them, as Commissioners, may open books to receive subscriptions to the capital stock of said Corporation, at such time and place as a majority of them may think proper, and as soon as four hundred and fifty thousand dollars upon the capital stock shall be subscribed, and twenty-five per cent paid in, to give notice for a meeting of the Stockholders, to choose five Directors among said Stockholders, and such election shall be made at the time and place appointed by such Stockholders, as shall attend for the purpose, either in person or by proxy; each share of the capital stock entitling the holder thereof to one vote, and the said above named persons or a majority of them, shall be inspectors of the first election of Directors of said Corporation, and shall certify, under their hands, the names of those persons duly elected, and the commissioners shall deliver over the subscription book with funds in hand, to said Directors, who may keep the same open by a vote of the majority of Stockholders, for further subscriptions, if the same be deemed expedient, until the entire amount of capital stock shall be subscribed, and each Stockholder so subscribing after the organization of said Corporation as aforesaid, shall be bound by said election and organization, until the next annual election in course, as is hereinafter provided, when he shall be entitled to vote as original Stockholders.

Books of subscription may be kept open.

Annual meeting of Stockholders.

President, &c.

SEC. IV. That there shall be an annual meeting of the Stockholders of said Corporation, at such time and place as the Corporation may provide by its by-laws, for the purpose of electing Directors, and that the time of holding the first meeting of the Directors, under the said first election, shall be fixed by the said Directors, or a majority of them, and the said Directors chosen at said election, or at the annual election, to be afterwards held, shall, as soon as may be, after subsequent elections, choose out of their number, a President, and in case of the death, resignation or removal of the President, or any Director, such vacancy or vacancies may be filled for the remainder of the year, wherein they may happen,

by the said remaining Directors, or a majority of them may appoint a President *pro tem*, who shall exercise such powers and functions as the by-laws of said Corporation may provide.

SEC. V. That the said Directors, or a majority of them, shall elect simultaneously with the President, and annually, a suitable person, who shall discharge the duties of Secretary and Treasurer of said Corporation, who shall be a Stockholder in the same. Secretary & Treasurer.

SEC. VI. That in case it should happen that an election of Directors should not be made, when pursuant to this Act it should be had, the said Corporation shall not by reason thereof, be dissolved, but such election shall be held at any other time, and the Directors previously elected, shall continue as Directors until a new election shall be had; a majority of said Directors of said Corporation to transact all business of said Corporation, and they shall have power to call in the capital stock of said Company, by such installments as they may think advisable, giving thirty days notice thereof, to the Stockholders, by advertisement in some newspaper or newspapers. In case of the non-payment of said installments, the Stockholders so failing to pay their installments, within thirty days after the same become due, shall forfeit their share or shares, and the amount before paid to the Corporation. Directors to continue until successors are elected. Majority may act. Power to call in installments. Stockholders failing to pay.

SEC. VII. That the Directors of said Company or a majority of them, shall settle and adjust the books and accounts of said Corporation, at least once every year, and submit a detailed statement of the affairs thereof, to the Stockholders at their annual meeting, and declare and pay such dividend of the actual profits thereof, as the condition of said Company may justify, and the Stockholders shall have power to adopt such by-laws for the government and safe and successful management of the property and business of said Company, as they may deem proper, not inconsistent with the charter or the laws of the State of Georgia, and of the United States. Books and accounts of corporation. Dividends. By-laws.

SEC. VIII. That said Directors or a majority of them, shall have power to exact from the Treasurer or any other officer of said Company, a bond, in such sum as they may deem proper, for the faithful performance of the duties of said office. Bond of Treasurer, &c.

SEC. IX. That the said Corporation shall be responsible to its creditors to the extent of its property, and the Stockholders shall be liable to its creditors, to the extent of the amount of their respective stock not paid up. Liability of Corporation and Stockholders.

SEC. X. That the State reserves the right to tax the property of said Corporation, as other property of this State. Taxation.

Approved 10th March, 1866.

(No. 169.)

An Act to incorporate the Empire State Manufacturing Company, in the county of Newton.

Incorporated.

Name.

Powers.

SECTION. I. *Be it enacted, &c.*, That Enoch Steadman, John T. Henderson, Sidney Root, B. F. Tharp, John J. Floyd, and such other persons as are now, or may hereafter become associated with them and their successors, shall be, and they are hereby declared to be, a body corporate and politic, under and by the name and style of the Empire State Manufacturing Company, and by that name shall be, and they are hereby made able and capable in law to have, purchase, receive, possess, enjoy, and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects, of whatsoever kind, nature, or quality, the same may be; and the same to sell, grant, demise, alien, or dispose of; to sue, and be sued, plead and be impleaded, answer and be answered unto, in any Court of law or equity in this State, having competent jurisdiction; and also, to make, have and use a common seal, and the same to alter at their pleasure; and also, to make, ordain, and establish such by-laws, rules and regulations, as they may deem necessary and expedient, to carry into effect the objects of the said Company, and the same to alter and amend at their pleasure; *Provided*, the said by-laws, rules and regulations, are not inconsistent with the Constitution and laws of this State, or of the United States.

Proviso.

Objects of Corporation.

Authorized to vend.

SEC. II. That the said Company shall be, and they are hereby authorized to manufacture, bleach, dye, print and finish, all yarns and goods, of which, cotton and wool, or other fibrous materials, form a part; and also, to manufacture wood, iron, and other metals; grain of all kinds, of which meal and flour are made; shoes, and leather, and paper, and to vend their manufactures and other merchandise.

Capital.

Shares.

Privilege of increasing capital.

SEC. III. That the capital stock of said Company shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the said capital stock at any time hereafter, as a majority of the Stockholders may desire, to three millions of dollars; such increased capital stock, to be divided into shares of one hundred dollars each, as aforesaid.

Authorized to open books for subscription. When, where.

May require payment in first instance in such sum as Company may agree upon.

Proviso.

SEC. IV. That the said Company shall be, and they are hereby authorized to open or cause to be opened, books for subscription, for the stock of said Company, by themselves, or by such agents or commissioners, as they may appoint, in such manner and at such time or times, and at such place or places, as the said Company may agree and determine upon; and to require the payment in the first instance of such sum per share or subscription, as the said Company may agree upon and determine, *provided*, it amounts to ten per cent.

SEC. V. That so soon as the whole capital stock shall be subscri-

bed for and taken, the said Company may designate, and fix a day and place for the meeting of the Stockholders, and shall give to each Stockholder due notice thereof; at which time and place the said Stockholders may attend in person, or be represented and vote by proxy; and no person but a Stockholder shall be capable of being a proxy; the creation of such proxy shall be by written power of attorney, signed or acknowledged by the appointing member, in presence of a creditable witness, and be duly authenticated by his or her oath endorsed thereon, or annexed thereto, by a lawful magistrate. At the said first meeting of the said Stockholders, the person then present, holding in his own right the greatest number of shares of stock, shall preside; and the meeting being assembled, the proxies examined and approved or disapproved, and a proper registry of all subscribing members, in person or by proxy, being made, the said presiding member shall present a ballot box, in which the Stockholders may vote for officers, by ballot, and the presiding officer shall count out the said ballots, and cause the same to be entered on a tally sheet, and declare the result of such election, of which he shall make and deliver to the person or persons, elected, proper certificates under his hand. The officers to be thus elected, shall consist of a President and five Directors, for the first year, and thereafter, such number of Directors as may be ordained by the by-laws, to serve for one year and until a new election be made. But they shall not commence operations until 10 per cent of the whole capital stock shall have been paid in.

First meeting. When, where.

Shall give notice thereof.

May vote by proxy.

The creation of proxy, how.

Person present owning greatest number of shares shall preside.

May vote, how.

Presiding officer shall deliver certificate.

Officers for first year to consist of President and five directors.

When they may commence operations.

SEC. VI. That the President and Directors for the time being shall have power to appoint such officers and Clerks under them, and other agents, as shall be necessary for executing the business of the said Corporation; and to allow them such compensation for their services respectively, as shall be reasonable, and shall be capable of exercising such other powers and authorities, for the well governing and ordering the affairs of the said Corporation, as to them shall appear conducive to the interest of the same.

Power to appoint officers, &c.

Compensation.

SEC. VII. That the following rules, regulations, limitations and provisions, shall form, and be fundamental articles of the Constitution, of the said Corporation:

Rules, regulations, &c.

1ST. The number of votes to which each Stockholder shall be entitled, shall be according to the number of shares he or she shall hold, each share to be entitled to one vote; none but a Stockholder shall be eligible as a Director.

How many votes each Stockholder shall have.

Who shall be eligible as a Director.

2ND. If any Director shall, at any time, during the time for which he shall have been elected, cease to be a Stockholder, his seat shall thereafter become vacated, and the remaining Directors, or a majority of them, shall, at their next meeting, pass an order declaring him no longer to be a Director, and shall themselves forthwith proceed to fill the vacancy.

Directors seat; how vacated.

Vacancy

3RD. The Directors shall make such compensation to the President as shall appear to them reasonable.

Compensation.

Three Directors constitute a Board. President to be one except in certain cases. President's place to be supplied by any Director.

4TH. Not less than three Directors shall constitute a Board for the transaction of business, of whom the President shall always be one, except in cases of sickness or necessary absence, in which cases his place may be supplied by any Director, appointed by the Board of Directors present, for that purpose.

Who shall call a meeting of Stockholders.

5TH. A number of Stockholders, not less than five, who, together shall be proprietors of one-third of the stock subscribed, or more, shall have power, at any time, to call a meeting of the Stockholders. for purposes relative to the Corporation, giving at least thirty days notice thereof, in one of the public gazettes published at Covington or Atlanta, specifying in such notice, the object of such meeting.

Treasurer and Agents to give bond.

6TH. The Treasurer and agents of said Company, before he enters on the duties of his office, shall give bond, with two or more good securities, to the satisfaction of the Directors, in a sum not less than ten thousand dollars, with conditions for his good behavior, and faithful discharge of his duties.

What lands, &c., corporation may hold.

7TH. The lands, tenements and hereditaments, which it shall be lawful for the said Corporation to hold, shall only be such as shall be requisite for its immediate accommodation, in relation to the convenient transaction of business; and such as shall have been *bona fide* mortgaged to it as security, or conveyed to it in satisfaction of debts, previously contracted, in the course of its dealings, or purchased at sales upon judgments which had been obtained for such debts.

Certificates of stock.

8TH. The Directors shall have power to issue to subscribers, their certificates of stock, signed by the President, and countersigned by the Treasurer, which shall be transferable on the books of the Corporation, only by personal entry of the Stockholder, his legal representative, or an attorney duly authorized, by special power under seal, for that purpose.

Liability of Corporation.

9TH. The bills obligatory, and of credit, notes, and all other contracts whatever, on behalf of the said Corporation, shall be binding upon the said Corporation; *Provided*, the same be signed by the President, and countersigned by the Treasurer, (or attested by him,) of said Company; and the funds of the said Corporation shall in no case, be held liable in law or equity, for any contract or engagement whatever, unless the same shall be signed and countersigned as aforesaid. The books, papers and correspondence, and all the funds of the Company, shall, at all times, be subject to the inspection of the Board of Directors, and to the Stockholders, when convened according to the provisions of this Act.

Books subject to inspection.

Dividends.

10TH. Dividends of the profits of the Corporation, or so much thereof as shall be deemed expedient and proper, shall be declared and paid half yearly, (the first half year after the said factory shall have been in operation excepted,) and the said dividends shall be from time to time determined by a majority of the Stockholders, at a regular meeting, and shall in no case exceed the amount of the

net profits actually acquired by the Corporation, so that the capital stock thereof shall never be impaired.

11TH. The Directors shall keep fair and regular entries (in a book to be provided for that purpose,) of their proceedings, and on any question, when any Director shall require it, the ayes and nays of the Directors voting, shall be duly entered on the minutes, and their minutes shall be at all times, on demand, produced to the Stockholders, when at a general meeting, the same shall be required. Minutes of proceedings.

12TH. The Corporation shall exist until the first day of January, in the year nineteen hundred. Duration.

SEC. VIII. That the election of a President and Directors shall be made annually, according to a by-law to be made for that purpose; and in case any vacancy occur in the Board, between two periods of general election, the remaining members of the Board of Directors, or a majority of them, at any stated and regular meeting of the Board, may elect by ballot, from among the Stockholders, a person to fill such vacancy, until the next general election of Directors; and if it should so happen that the day of annual election, of President and Directors, shall pass without an election being had, the Corporation shall not thereby be dissolved, or be deemed to be discontinued, but it shall be lawful on any other day to hold and make such election, in such manner as may be prescribed by the laws of the Corporation. Elections. Vacancies how filled.

SEC. IX. That all the private property, both real and personal, of each respective Stockholder, shall be held liable to the amount of his, her or their subscribed stock, *yet unpaid; Provided*, That notwithstanding the dissolution, extinction, expiration by lapse of time, or *non user* of the charter, or the cessation of said Corporation to transact business, that the corporate property of said Corporation shall, at all times, be bound and liable for the payment of the corporate debts or contracts of said Corporation. Liability of Stockholders. Corporate property liable.

SEC. X. That all the corporate property of said Corporation shall be taxed as other property of this State. Taxation

SEC. XI. Repeals conflicting laws.

Approved 24th February, 1866.

(No. 170.)

An Act to incorporate the Gate City Foundry, Car Manufacturing and Machine Works, in the City of Atlanta, county of Fulton, and State of Georgia.

SEC. I. *The General Assembly of the State of Georgia do enact*, That George W. Lee, Hammond Marshall, John C. Hendricks, Joseph G. W. Mills, John S. Westbrook, Thomas W. Chandler, Edwin Payne, Frederick S. Stewart, Lemuel S. Mead, and James Hoge, and such other persons as now are, or hereafter may become associated with them and their successors, be, and they are hereby in- Corporators.

Style. Objects. Powers.

corporated a body corporate, and politic, by the name and style of the Gate City Foundry, Car Manufacturing (and ?) Machine Works, for the purpose of manufacturing cars, locomotives, and all other articles made of wood and Iron; and under the name aforesaid, to sue and be sued, plead and be impleaded, in any Court of law or equity in this State; to have and to use a common seal, and with power to said Corporation to contract for, purchase, lease, hold or sell, all such property, real, personal or mixed, as may, from time to time, be necessary and proper, for the purpose of fully carrying out the object of said Incorporation; *and further*, to make all such by-laws, rules and regulations, as they, or a majority of them, may deem necessary, for the better government and management of said Corporation, *provided*, said by-laws, rules, and regulations, be not repugnant to the Constitution and laws of this State, or the United States.

Capital stock.

SEC. II. That the capital stock of said Company shall be fifty thousand dollars, to be divided into such number of shares as may be fixed by said corporators; and that said capital stock may, at any time, be increased to two hundred thousand dollars, as the business of said Corporation may require.

Liability of Stockholders. When organize.

SEC. III. That the individual property of the Stockholders shall each be liable for the debts of said Corporation, to the amount of the stock subscribed and unpaid; and that said Company shall not organize under this Act, until ten per cent of the capital stock is actually paid in, either in money, or property.

Taxation.

SEC. IV. That nothing in this Act shall be so construed as to prevent the State from taxing the property of said Corporation, as other property of this State.

Approved 21st March, 1866.

(No. 171.)

An Act to incorporate the Georgia Manufacturing and Paper Mill Company.

Incorporated. Name. Powers. Proviso.

SECTION I. *The General Assembly of the State of Georgia do enact*, That M. P. Kellog, H. Merrell, William Amis and J. M. Moyers, and their associate stockholders, and their successors in office shall be, and they are hereby declared to be a body corporate and politic under the name and style of the Georgia Manufacturing and Paper Mill Company, and by that name and style they may sue and be sued, plead and be impleaded, answer and be answered unto, in any Court of law or equity in this State having competent jurisdiction, may have and use a common seal, may make, ordain and establish such by-laws, rules and regulations as they may deem necessary and expedient to carry into effect the object of the Company, *Provided*, such by-laws, rules and regulations are not inconsistent with the laws of this State, or of the United States.

SEC. II. That the capital stock of said Company shall not exceed one hundred thousand dollars, which shall be divided into shares of one hundred dollars each, but the Company may commence business as soon as ten thousand dollars shall have been paid in. Capital.

SEC. III. That the said Company, organized as aforesaid, shall be authorized to manufacture paper of all descriptions, and every thing else necessary for, and used in the manufacturing of paper; to purchase the necessary machinery, materials, &c., therefor, and to use and vend the manufactured products, and to do whatever is legitimately connected with such operations or business. Authorized to manufacture paper, &c.

SEC. IV. That the said Company shall have power to purchase, receive, hold and possess any property, real or personal, for the use, benefit and advantage of said Company, and to sell and dispose of the same. May hold property, real and personal.

SEC. V. That the stockholders in said Company shall be liable to the number of shares held by them respectively, for the debts of said Company, which shall not exceed the amount of capital stock paid in and existing at the time, in property and solvent demands due the Company. The shares shall be considered personal property, and shall be transferred only on the books of the Company in person or by attorney. Stockholders liable. Transfer of shares.

SEC. VI. That the corporators named in the first section of this Act, or any three of them acting, shall constitute a Board of Directors for the first year, and they shall continue to act as such until others are elected in their stead. The annual meeting of the stockholders shall be held at the office of said Company at such time as may be stated in the by-laws from year to year. At each annual meeting the stockholders shall elect from among themselves such number of Directors as the by-laws shall fix. The voting shall be by ballot, and according to the number of shares taken. But a failure of such election shall not work a forfeiture of charter, but the Directors for the previous year shall continue in office until their successors are elected. The Directors shall appoint one of their number President. Corporators named, or three of them, Board of Directors till others are elected. Annual meeting. Where, when. Stockholders shall elect Board of Directors. Voting, how. Failure to elect to forfeiture. President.

SEC. VII. That each and every member of said corporate body may, at any time, sell and convey their interest in the property of said corporation, both real and personal, under such rules and regulations as may be adopted by said corporation, and upon the death of any member of said corporation, his interest in the corporate property shall pass to the legal heirs of said member, or to his legatee or legatees, and that such purchaser, legal heirs, legatee or legatees, shall have all the powers and privileges that are hereby conveyed to the above named corporators. Any member of corporate body may sell interest in. Interest to go to legal heirs. Legal heirs to have all the powers of original corporators.

SEC. VIII. That all the private property, both real and personal, of each respective stockholder shall be held liable to the amount of his, her or their subscribed stock yet unpaid, *Provided*, that notwithstanding the dissolution, extinction, expiration by lapse of time or *non-user* of the charter or the cessation of said corporation to transact business, that the corporate property of said Stockholders private property liable. Proviso.

corporation shall at all times be bound and liable for the payment of the corporate debts or contracts of said corporation.

State may tax corporate property.

SEC. IX. That nothing herein contained shall be so construed as to prevent the State of Georgia from taxing said corporate property as other property in this State.

SEC. X. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 172.)

An Act to incorporate the Grand Bay Manufacturing Company, in the County of Berrien.

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia*, That Henry Banks, John G. Clarke, James W. Tally and James L. Lenard, their associates and successors, shall be, and they are hereby declared to be a body corporate and politic under and by the name and style of the Grand Bay Manufacturing Company, and by that name are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain to them, and their successors, lands, rents, tenements, hereditaments, goods. chattels and effects of whatsoever kind, nature or quality, and the same to sell, grant, demise, alien or dispose of; to sue and be sued, plead and be impleaded, answer and be answered unto, in any Court of law or equity in this State having competent jurisdiction; and also to have a common seal, and to alter the same at pleasure, and to make such by-laws, rules and regulations as they may deem necessary, and alter the same at pleasure, which rules, by-laws and regulations are not to be inconsistent with the Constitution and laws of this State, or of the United States. Said Company shall have its principal place of business at Milltown, or such other place as they may agree on, such place to be advertised in one of the gazettes of this State.

Incorporated.

Name.

May hold real or personal estate, or sell the same.

May sue, be sued, &c.

May have a common seal, make by-laws &c.

Principal place of business. Where.

Notice of.

SEC. II. That said Company shall be, and they are hereby authorized to manufacture all yarns and goods of which cotton and wool, or other fibrous material form a part, and also to saw lumber and manufacture the same into any kind of articles of furniture, and to manufacture leather and paper, and to vend their manufactured articles, and other merchandise.

Powers.

SEC. III. That the capital stock of said Company shall be two hundred thousand dollars, with the privilege of increasing the same to any amount, as a majority of the Stockholders may desire, not to exceed five hundred thousand dollars. Said capital stock shall be divided into sums of one hundred dollars each.

Capital.

Division of stock.

SEC. IV. That said Company are hereby authorized to open, or cause to be opened, books of subscription for the stock of said Company at such place, manner and time as said Company may deem proper.

Authorised to open books of subscription.

SEC. V. That so soon as fifty thousand dollars shall have been subscribed, said Company may fix a day and place of meeting, giving each Stockholder notice thereof, at which time and place the Stockholders may hold an election for a President and five Directors for said Company, which officers when elected shall serve one year or until their successors are elected, and said President and Directors shall have authority to establish such rules and by-laws as they may deem proper, and after the first year may elect such number of Directors as the by-laws may direct.

First meeting. When, where.
May elect President and directors. Term of office.
By-laws.

SEC. VI. That said Company shall keep fair and regular entries, (in a book to be provided for that purpose,) of their proceedings, which book shall be open to the inspection of all parties concerned, and all transfers of stock shall appear on said books.

Company shall keep entries.
Book shall be open to inspection.
Transfers of stock shall appear.

SEC. VII. This corporation shall continue until the first of January, nineteen hundred.

Duration.

SEC. VIII. That the liability of each Stockholder shall cease upon the transfer of the same, for all debts previously contracted, *Provided*, the Stockholder so transferring his or her stock shall advertise the same for thirty days in the newspaper nearest the principal office of the Company, *And provided further*, that suit shall not be commenced in six months after the transferring of such stock.

Liability of Stockholders shall cease upon transfer.
Proviso.

SEC. IX. The individual property of each Stockholder shall be liable for the debts of said Company to the amount of stock not paid in, of each stockholder respectively.

Liability of Stockholders.

SEC. X. That nothing herein contained shall be so construed as to prevent the Legislature from taxing the corporate property of said Company, as other property in this State.

Taxation.

SEC. XI Repeals conflicting laws.

Approved 12th March, 1866.

(No. 173.)

An Act to incorporate the Hansell Manufacturing Company of Campbell county.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That Bedney F. McDonald, with all such persons as are now or may hereafter become associated with him, be, and they are hereby incorporated and made a body politic, by the name and style of the Hansell Manufacturing Company of Campbell county, and by that name shall have all the powers, faculties and privileges, and be subject to all the liabilities to which the Roswell Manufacturing company, situated in the county of Cobb, is entitled and subject to, and shall keep its principal office of business in the city of Marietta, in the county of Cobb.

Incorporated.
Name.
Powers.
Office of business to be in Marietta.

SEC. II. That if the said corporation shall, at any time hereafter, deem it advisable for the benefit of the Stockholders, to erect, construct, and work another or other factories, for the spinning or weaving of cotton or wool, or one or more mills for the sawing of

May construct and work another or other factories.

lumber, ginning of cotton, or grinding and preparing corn or other grain, that then, and in such cases, the said corporation shall hold and work the same with like privileges, as are herein before granted, for the erecting, holding and working the said factory.

Capital. SEC. III. That the capital stock of said Company, shall be fifty thousand dollars, to be increased to the sum of three hundred thousand dollars, when deemed expedient by the Stockholders thereof.

Duration. SEC. IV. That the said corporation shall exist and exercise all the privileges hereby conferred, for the term of twenty years from the passage of this Act; *Provided*, That nothing herein contained, shall be so construed as to prevent the State from taxing said corporate property, as other property of this State. Taxation.

SEC. V. Repeals conflicting laws.

Approved 5th March, 1866.

(No. 174.)

An Act to incorporate the Metcalfe Manufacturing Company.

SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That James Metcalfe, R. B. Murdock, W. P. Chilton, and V. M. Metcalfe, and such others as they may associate with them, and their successors, be, and they are hereby made and constituted a body corporate, in fact and in name, under the style and title of the Metcalfe Manufacturing Company, and by that name shall be, and are hereby made, able and capable in law, to have, hold, receive, purchase, possess and enjoy, to them and their successors, all real and personal estate, of whatever kind or amount said corporation may deem necessary, to carry all the objects of said corporation into full force and effect; and may sell, grant or convey, or otherwise dispose of the same; and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all Courts having competent jurisdiction; to make, use and have a common seal, and the same to break, alter and renew at pleasure, and to do all other acts incident to a body corporate and politic.

Incorporated. Title. Powers.

Objects of Corporation. SEC. II. That the objects of said corporation shall be, for the manufacture of wool and cotton into thread and cloth, the manufacture of meal, flour, lumber, shingles, boards, and machinery of any description, or such branches or parts thereof, as they may see proper to engage in; said corporators may locate their place of business at any point in the counties of Harris or Muscogee, in this State, which they may deem most practicable, and in the event that it should be located on the Chattahoochee river, they are hereby granted for the objects of said corporation, the privilege of controlling, by locks, dams, canals, or otherwise, the water of said stream, (so far as the riparian rights of this State are concerned,) and of connecting said dams by abutments to the banks of said stream or

Location of place of business. May control by locks, &c., waters of the Chattahoochee.

islands, in the same, opposite the lands of said company; and to secure their property against loss by fire, and other injuries, they may prevent persons from camping or building fires within two hundred yards of the factory building. May prevent persons camping or building fires near factory.

SEC. III. That the said body corporate shall have the power to prescribe the number of shares into which the capital stock of said corporation shall be divided; the mode in which it shall be taken, paid, transferred and assigned, and also, to provide the mode by which Stockholders may vote, and the number of votes to which each share shall be entitled; and the rules adopted, shall be uniform, equally securing the rights of each Stockholder; and also, to provide for the election of such officers as may be deemed necessary for the government and management of the affairs of said corporation; to ordain, establish, and put in execution, such by-laws, ordinances, and resolutions, as they shall deem necessary or expedient, for the government of said corporation, and not inconsistent with the Constitution and laws of the State of Georgia, or of the United States; and in general, to do, and to execute all and singular, the acts, matters and things, which may be necessary for manufacturing. Powers. Shares. How stock shall be taken. Voting. Rules shall be uniform. Election. By-laws, &c.

SEC. IV. That said corporation shall have power to borrow money, on mortgage or other security, and to loan out its surplus earnings on similar security, or mortgage; and to ordain such rules and regulations, with respect to Stockholders, who refuse to pay up any balance on their stock, as will compel them to pay, upon penalty of forfeiting such stock to said corporation; *Provided*, That no Stockholder shall be liable beyond the amount of his, her or their stock, and they shall be so liable in their individual property for the debts of said corporation, to the amount of their unpaid stock. Power to loan and borrow money. Failure to pay balance on stock. Penalty. Proviso.

SEC. V. That the capital stock of said corporation shall be one hundred and fifty thousand dollars, subject to be increased to five hundred thousand dollars. The corporate powers and franchises hereby granted, shall continue for thirty years. Capital. Duration.

Approved 13th March, 1866.

(No. 175.)

An Act to extend the Charter of the Roswell Manufacturing Company.

WHEREAS, The charter of the Roswell Manufacturing Company is about to expire, *And Whereas*, the said Company are endeavoring to reconstruct their mills, which, together with all their machinery, were consumed and destroyed by fire by the army under General Sherman, *And Whereas*, it is the true policy of Georgia to encourage manufacturing in all its branches: Preamble.

SECTION I. *The General Assembly of Georgia do enact*, That the charter of the Roswell Manufacturing Company, and the Acts

Charter extended.

amendatory thereof be, and are hereby continued and extended for the period of thirty years from and after the passage of this Act, subject to all the liabilities and conditions imposed by said charter, and amendatory Acts, and enjoying all the privileges therein granted.

SEC. II. Repeals conflicting laws.

Approved 21st March, 1866.

(No. 176.)

An Act to incorporate the Steam Cotton Mill Company.

SECTION I. *Be it enacted, &c.*, That W. A. Bedell, C. A. Harrison, E. S. Greenwood and N. C. Gray, together with such other persons as may hereafter be associated with them and their successors, be, and they are hereby made and constituted a body corporate in fact and in name, under the style and title of the Steam Cotton Mill, and by that name shall be, and are hereby made able and capable in law to have, hold, receive, purchase, possess and enjoy to them and their successors, all real and personal estate of whatever kind or amount said corporation may deem necessary to carry all the objects of said corporation into full force and effect, and may sell, grant, convey or otherwise dispose of the same for the purposes of manufacturing any of the articles hereinafter specified, and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all Courts having competent jurisdiction, to make, use and have a common seal, and the same to break, alter and renew at pleasure, and to do all other acts incident to a body corporate and politic.

Incorporated.

Name.

Powers.

Objects of Corporation.

SEC. II. That the objects of said corporation shall be for the manufacture of wool and cotton into thread and cloth, or other fabrics, and the manufacture of meal and flour. The place of business shall be in the county of Muscogee, State of Georgia.

Capital.

Powers.

Shares.

Mode in which capital stock shall be taken, &c.

Manner of voting, &c.

Rules to be uniform.

Election of officers.

By-laws.

SEC. III. That the capital stock of said corporation shall be sixty thousand dollars, with the privilege of increasing it to not more than two hundred thousand dollars, and shall have the power to prescribe the number of shares into which the capital stock of said corporation shall be divided, the mode in which it shall be taken, paid, transferred or assigned, and also to provide the mode by which Stockholders shall vote, and the number of votes to which each share shall be entitled, and the rules adopted shall be uniform, equally securing the rights of each Stockholder, and also to provide for the election of such officers as may be necessary for the government of the affairs of said corporation; to ordain, establish, and put in execution such by-laws, ordinances and resolutions as they shall deem necessary or expedient for the government of said corporation, not inconsistent with the Constitution and laws of this State, nor the United States, and in general to do and to execute all and singular the acts, matters and things which may be necessary for manufacturing as aforesaid.

SEC. IV. That said corporation shall have power to borrow money on mortgage, or other security, and loan out its surplus earnings *on call* on similar security or mortgage, and ordain such rules and regulations in respect to stockholders who refuse to pay up any balance on their stock as will compel them to pay upon penalty of forfeiting such stock to said corporation, *Provided*, no stockholder shall be liable beyond the amount of his, her or their stock. Power to borrow or loan money. Ordain rules in respect to Stockholders who refuse to pay balance on stock. Penalty. Proviso.

SEC. V. That each stockholder shall be liable for the debts of said corporation to the amount of his, her or their unpaid stock. Stockholders liable.

SEC. VI. That said corporation shall not commence business until the whole capital stock shall have been subscribed and ten per cent of the same paid in, and nothing herein contained shall be so construed as to prevent the State from taxing said capital stock as other property of this State. Corporation not to commence business till capital stock shall have been subscribed. Taxation

SEC. VII. Repeals conflicting laws.

Approved 12th March, 1866.

IX. MINING COMPANIES.

ACT NO. 177, CHATTAHOOCHEE MINING COMPANY.
" " 178, CHESTATEE RIVER & LONG BRANCH HYDRAULIC HOSE MINING COMPAFY.
" " 179, DALTON PETROLEUM & MINING COMPANY.
" " 180, ELIJAY MINING COMPANY OF GEORGIA.
" " 181, EMPIRE STATE IRON & COAL MINING COMPANY.
" " 182, ETOWAH & AURARIA HYDRAULIC HOSE MINING COMPANY.
" " 183, KENESAW MINING COMPANY OF GEORGIA.
" " 184, LITTLE RIVER MINING COMPANY.
" " 185, LOOKOUT VALLEY MINING COMPANY.
" " 186, MADISON PETROLEUM COMPANY OF GEORGIA.
" " 187, McCLUSKY GOLD MINING COMPANY.
" " 188, NORTH GEORGIA PETROLEUM & MINING COMPANY.
" " 189, NORTH WESTERN MINING COMPANY.
" " 190, SOUTHERN MINING COMPANY.
" " 191, VULCAN IRON & COAL COMPANY.
" " 192, WAHATCHEE MINING COMPANY.
" " 193, YONAH GOLD COMPANY.

(No. 177.)

An Act to incorporate the Chattahoochee Mining Company.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That James A. W. Johnson, Sam'l. H. Baker, W. W. Baker, their associates, successors, and assigns, be and they are hereby created a body politic and corporate, under the name and style of the Chattahoochee Mining Company, for the purpose of mining, transporting and selling gold, silver, oil, petroleum, coal, iron, and all other other minerals in this State and elsewhere, and for constructing all necessary machinery and buildings for the manufacture of the same, on any lands which they may acquire by purchase or otherwise. Also, the privilege of manufacturing iron from the ore into pig metal aud rolled iron; and by said name and style they are hereby made a body capable in law to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, unite and prosecute to final judgment in Incorporated. Style. Purpose. Sue, be sued, &c.

all Courts of Law and Equity in this State and elsewhere; to have and use a common seal; with full power to purchase, enjoy and possess estates, real, personal, and mixed; and full power to sell and convey the same, with all powers and privileges necessary and proper for them as an incorporated Company; and by such name and style to have succession for the term of thirty years.

Seal.

May hold real estate.

Duration.

SEC. II. That the incorporators in person or by proxy, shall, as soon after the passage of this Act as convenient, meet and organize by the election of a Board of Directors, consisting of five, who shall have the management and control of the affairs of said Company, a majority of whom shall constitute a quorum for the transaction of business, each being a stockholder to the amount of twenty shares, who, as well as their successors, shall hold their office for one year, and until their successors are elected. Said Directors shall annually thereafter give notice, by publication in one or more newspapers of this State, directed to the Stockholders, to meet at their office in person, or by proxy, to elect Directors for the next ensuing year. If said Directors shall fail or refuse to give said notice, any two of the stockholders may give said notice, and hold said election in conformity with such by-laws as said Directors may adopt; and if it should happen that said election should not be had at the proper time as designated, the said corporation, for that reason, shall not be dissolved, and an election may be held on some other designated day. Said Directors shall have power to elect and appoint such officers as the by-laws may provide, and may take bonds in accordance with their said by-laws, and may remove or dismiss any of them at pleasure, and may fill all vacancies in their body occasioned by death, resignation, or otherwise. Said Directors shall have power to make such by-laws as may be deemed necessary for said corporation.

Shall organize by elections.

Affairs, how managed.

Qualification of Directors.

Term of office.

Shall give notice of annual meeting.

Failure to give notice.

Failure to elect no dissolution.

Officers.

Vacancies.

By-laws.

Shall keep books.

SEC. III. That said Directors shall keep proper books of stock, and account of the business of said Company; and that all stock and property of said Company shall be assignable on the books of said Company, in such manner as the by-laws may prescribe.

Corporation, how dissolved.

SEC. IV. That said corporation shall not be dissolved unless by a vote of two-thirds of the whole capital stock; and that the capital stock of said Company shall be two hundred thousand dollars, divided into two thousand shares, of one hundred dollars each, which capital stock may be increased or diminished, as the Directors may determine.

Capital.

SEC. V. That the property of said Company, together with the individual property of each stockholder, to the amount of his or her stock, shall be liable for the payment of all debts and liabilities of said Company.

Liabilities.

SEC. VI. That said Company shall not organize until the whole capital stock is subscribed, and shall not commence business until ten per cent. of the subscribed stock is paid in.

Organize. Commence business.

SEC. VII. That nothing herein contained shall be so construed

as to prevent the State of Georgia from taxing the corporate property of said Company as other property of this State. Taxation.

SEC. VIII. That this Act shall take effect from and after its passage, and that all laws militating against the same be and the same are hereby repealed. Take effect.

Approved 20th February, 1866.

(No. 178.)

An Act to incorporate the Chestatee River & Long Branch Hydraulic Hose Mining Company.

SEC. I. *Be it enacted by the Legislature of the State of Georgia,* That Benjamin Hamilton, and such persons as he may associate with him, and their successors and assigns, shall be and they are hereby declared (as soon as they shall organize under this Act,) a body politic and corporate, under the name and style of the Chestatee River & Long Branch Hydraulic Hose Mining Company, for the purpose of diverting and turning the waters of the Chestatee River and Long Branch from their natural channels, by dam or dams, ditch or aqueducts of any kind, to wash, work, or mine, for gold or any other valuable minerals or metals, according to the Hydraulic Hose Mining system, in the County of Lumpkin, State of Georgia, on any lands said Company may now own, or may hereafter own, or that they may become possessed of either by purchase or lease; and by that name may sue or be sued, plead or be impleaded, answer or be answered unto, in any Court of Law or Equity in this State, having competent jurisdiction; and shall enjoy succession of officers and members for thirty years, may have and use a common seal, and alter the same at pleasure; may make, ordain, and establish, such by-laws, rules, and regulations, as they may deem expedient and necessary to carry into effect the objects of the Company; *provided*, such by-laws, rules, and regulations, are not inconsistent with the Constitution and laws of this State, and the Constitution and laws of the United States. Corporators. Style. Purpose. Sue, be sued, &c. Duration. Seal. By-laws. Proviso.

SEC. II. That the aforesaid Company, hereby created, shall, by its corporate name, be capable in law of purchasing, owning, selling, conveying, and leasing, any real or personal estate, which may be necessary to enable said corporation efficiently to carry on the operations mentioned in the first Section of this Act. May purchase real and personal estate.

SEC. III. That the capital stock of said Company shall be two hundred thousand dollars, with the privilege of increasing the same to five millions of dollars, by the stockholders, which capital stock will be divided into such number of shares as shall be determined upon by a vote or votes of three fourths of the stockholders, at a regular meeting of the stockholders, to be ascertained by the rules and by-laws of said Company, all parties at interest first having notice of the time and place of such meeting. Capital. Shares.

Liabilities.

SEC. IV. That the private property, both real and personal, of the stockholders, to the amount *pro rata* of the stock respectively by them subscribed and held, and not yet paid in, at the time suit may be brought, and no greater amount, shall be held subject for the payment of all the debts and liabilities of said Company; *provided*, that notwithstanding the dissolution, extinction, expiration by lapse of time, or *non user* of the Charter, or the cessation of said corporation to transact business, that the corporate property of said corporation shall at all times be bound and held liable for the debts and contracts of said Company, and said stockholders shall not organize until all the capital stock shall have been subscribed, and said corporation shall not commence operations until ten per cent. of the capital stock thus subscribed shall have been paid in, either in money or property.

Provise.

Organize when, when commence business.

By-laws.

SEC. V. That the by-laws of said Company may fix and declare the number of officers or agents that the Company may deem necessary to carry out the objects thereof; and shall regulate and prescribe the manner in which the same shall be appointed, their duties, salaries, and liabilities; and shall fix the time for and the manner of paying dividends, and regulations to be observed in transferring the stock of said Company, by any member thereof, who may wish to transfer his, her, or their stock.

Power to construct main canal, &c., where.

SEC. VI. That said Company shall have power and authority to locate and to construct by, through, or over any vacant lands in the limits of said County of Lumpkin, not represented by any legal owner or claimant, their main canals, ditches, flumes, trestle works, or aqueducts, by diverting or turning the stream of said Chestatee river, and such other smaller streams, from their natural channels, at such point or points, as may be necessary for the purpose of developing the mineral resources of the adjacent mining lands, and for the purpose of draining and working the main bed and channel of the said Chestatee river, for gold and other minerals; the said canal, ditch, flume, &c., for the purpose of diverting the waters of said river from its natural channel shall commence on said river, at or above the falls or shoal on said Chestatee river near what is known as the Welchel & Stephens Copper mine, said canal diverting and conveying the waters of said river to terminate at or near Martin's Ford, on said river, to be located on the most practicable survey; and any owner or owners of such vacant lands, upon appearing and making their claim to such lands, shall be entitled to such damages from said Company as may be adjudged reasonable and just between the parties; said claim or title and the damages aforesaid to be determined and ascertained by three freeholders of said County of Lumpkin, one of whom shall be chosen by the claimant, one by the Company, and the third by the Inferior Court of said County, and their finding and judgment shall be final between said parties, and said judgment of the arbitrators shall be returned in writing, certified under their hands and seals, to the Clerk of the Superior Court of said County

Commence where, where terminate.

Damages.

Judgment.

of Lumpkin, and entered by him of record, on the minutes of the Court, upon which said Clerk may issue execution against the party cast, for damages and cost, from which decision of the arbitrators either party shall have the right to enter an appeal in the Clerk's office, within four days from the return and entry of said judgment, which appeal may be entered under the same regulations as govern other cases of appeal. Right of appeal.

SEC. VII. That said Company shall keep an office at Dahlonega, Georgia, in said County, which shall be considered, for all judicial purposes, its location. Office.

SEC. VIII. That the entering of an appeal in all cases provided for in this Act, shall, in no case, prevent the Company from proceeding with the work, and opening their aqueducts through the lands in question, on depositing with such proper person, as the Judge of the Superior Court for said County may direct and order, the damages and costs found by the arbitrators, to be held subject to the final order of said Court; and *provided* further, that said Judge, in vacation, shall have the power to pass the proper order in reference to the deposit of the money, so as not to hinder the progress of the work of said Company, till a regular term of the Court. Appeal not to stop work. Proviso.

SEC. IX. That the arbitrators above mentioned and provided for in this Act, shall be disinterested persons, and freeholders, residing in said County of Lumpkin. Arbitrators.

SEC. X. That the State reserves the right to tax the corporate property of the Company the same as other property in this State is taxed. Taxation.

SEC. XI. That the individual property of each stockholder, to the amounts respectively subscribed by them, shall be held liable to the owners of land, for any damages that may be incurred by cutting, or constructing, any canal, or canals, over or through any lands, and also shall be liable for the damage that may result to any real estate by the exercise of any of the privileges conferred by this Act. Individual liabilities.

SEC. XII. Repeals conflicting laws.

Approved 21st March, 1866.

(No. 179.)

An Act to incorporate the Dalton Petroleum & Mining Company.

SEC. I. *The General Assembly of the State of Georgia do enact,* That for the purpose of promoting the mineral and liquid resources of the State of Georgia, James W. Longley, John T. Ault, Joseph Glenn, Jesse R. McAfee, Thomas J. Jackson, John H. Huff, E. J. Tarver, and their associates be, and they are hereby constituted a body politic and corporate, by the name of the Dalton Petroleum Incorporated. Name.

and Mining Company, and by that name shall have the right to buy and sell real and personal estate, petroleum and mineral interests, sue and be sued, in any Court whatever, plead and be impleaded, and may have and use a common seal, and may alter and renew the same at pleasure, and to pass all by-laws and regulations necessary for the government of the corporation, not in conflict with the Constitution and laws of this State.

Right to buy and sell property. Sue and be sued. Seal. By-laws.

May open books of subscription. Shares. Organize when, when commence business. Liabilities. Proviso.

SEC. II. That said corporation may, at any time, open books and receive subscription of stock, in shares of one hundred dollars each, but shall not organize until two hundred thousand dollars shall have been subscribed, and shall not begin operations until ten per cent. of the whole capital stock shall have been paid in, and that all the private property, both real and personal, of each respective stockholder, shall be held liable to the amount of his, her, or their subscribed stock yet unpaid; *provided*, that notwithstanding the dissolution, extinction, expiration by lapse of time, or *non user* of the Charter, or the cessation of said corporation to transact business, that the corporate property of said corporation shall, at all times, be bound and liable for the payment of the corporate debts or contracts of said corporation.

Books open to inspection.

SEC. III. That the books of said corporation be open at any and all times to the inspection of the stockholders.

Taxation.

SEC. IV. That all the property of said corporation shall be liable to taxation in the same manner as other property

Liability shall cease when. Proviso.

SEC. V. The liability of each stockholder shall cease within six months from the date of the transfer of his or her stock; *provided*, the stockholder making the transfer shall advertise the same for the first thirty days thereafter, in the newspaper nearest the principal office of said Company.

Principal place of business.

SEC. VI. That the principal place of business of said corporation shall be at Dalton, Georgia.

SEC. VII. Repeals conflicting laws.

Approved 8th March, 1866.

(No. 180.)

An Act to incorporate the Elijay Mining Company of Georgia.

Incorporated. Name. May hold property.

SEC. I. *Be it enacted, &c.*, That Levi M. Greer, of the County of Gilmer, of said State of Georgia, and such persons as he may associate with him, and their successors and assigns shall be and they are hereby created and constituted a body corporate and politic, by the name and style of the Elijay Mining Company of Georgia, and by that name shall be and they are hereby made able and capable in law to have, hold, purchase, receive, work, sell, lease, enjoy, and retain, to him or them, and their successors or assigns, lands, rents, tenements, mines of all character, goods, chattels, and effects, of whatever kind they may be, and the same

to work, sell, lease, grant, or dispose of as may be deemed by the said Levi M. Greer, his associates, their successors, or assigns, most conducive to the objects and interests of said corporation.

SEC. II. That the said corporation, by the foregoing corporate name, shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered unto, in any Court of Law, or Equity, in this State, and to make and use a common seal, and to alter and to change the same at pleasure, and to establish such by-laws, ordinances, and regulations, as shall be deemed necessary and convenient for the purposes of said corporation. Powers.

SEC. III. That the object of said corporation is declared to be the mining, smelting, refining, and working for gold, silver, copper, iron, and other minerals, or metals, in the County of Gilmer, and the other Counties of the State of Georgia containing mineral, in which their land, at present owned by them, or which said corporation may purchase, lease, or rent, may be situated, with a view to the effectual and speedy developement of the same, and for this purpose the capital stock of said Company shall consist of two hundred thousand dollars, ($200,000) subject to be increased at the will of the stockholders of said corporation to the amount of five hundred thousand dollars, ($500,000,) the same to be divided into such number of shares as said corporation, by its by-laws, may determine. Objects of corporation. Capital stock. Shares.

SEC. IV. That there shall be an annual meeting of the stockholders of said corporation, at its principal office, at such time as may be fixed by the by-laws of the same, for the purpose of choosing five Directors and a President, to manage all the concerns thereof, who shall be stockholders, and elected by the stockholders in person or by proxy, each share entitling the holder thereof to one vote. Annual meeting. Votes.

SEC. V. That the said Levi M. Greer, and his associates, or assigns, shall constitute the Directors of said corporation until the first annual meeting of the stockholders, and that the said Levi M. Greer, until said meeting, shall act as President of said corporation. Directors. President.

SEC. VI. That whenever any vacancy may occur by death, resignation, or otherwise, in the office of President, or Director, or Directors, the remaining Directors and President, or the Directors, if the vacancy shall be in the office of President, shall have power to appoint another, or others, to fill said vacancy, or vacancies, until the regular annual meeting next ensuing. Vacancies.

SEC. VII. That the said Levi M. Greer, and his associates, successors, or assigns, for the purposes contemplated by this Act, be and they are hereby authorized and empowered to divert, if deemed necessary, from their natural, or present channels, the waters of the Elijay river, and Carticay river, in said County of Gilmer, and any other stream or streams, the water from which can be used in their mining operations, and to obtain the right of way, under the provisions of the Act of this State relating to the "Ya- Water privileges.

hoola River & Cane Creek Hydraulic Hose Mining Company." and the "Etowah & Auraria Hydraulic Hose Mining Company," and that said provisions on the subject of obtaining the right of way for said water courses shall have as full application to this corporation as to the Companies above mentioned.

Offices.

SEC. VIII. That said corporation shall keep an office at Elijay, in the County of Gilmer, and branch offices at other points as shall be deemed by the stockholders necessary to carry on their operations, at either of which, for all judicial purposes, shall be deemed its location, and in which County, or Counties, its principal, or branch offices may be situated, it shall be liable to be sued.

Liabilities.

SEC. IX. That the individual property of each stockholder shall be liable for the debts and contracts of said corporation, to the amount of each stockholder's subscription, or stock, till his, or their stock shall be paid in.

Taxation.

SEC. X. That the right to tax the stock, and corporate property of said corporation is hereby reserved to the State.

Approved 10th March, 1866.

(No. 181.)

An Act to amend the second Section of an Act entitled an Act to incorporate the "Empire State Iron & Coal Mining Company," and to confer certain powers and privileges thereon, passed over Governor's veto by Senate and House, December 9th, 1862.

Amendment of 2nd Section of December 9th, 1862.

Sec. I. *Be it enacted by the Senate and House of Representatives, &c.,* That the second Section of said above recited Act be so amended as to authorize said Company to increase their capital stock to an amount not exceeding five millions of dollars.

Sec. II. Repeals conflicting laws.

Approved 24th February, 1866.

(No. 182.)

An Act to amend an Act entitled an Act to incorporate the Etowah and Auraria Hydraulic Hose Mining Company, approved December 7th, 1859.

Stockholders authorized to increase capital.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That the stockholders of said Company, or a majority of the same, may ave the right, and they are hereby authorized, to increase the capital stock of said Company to ten millions of dollars.

Approved 23rd February, 1866.

(No. 183.)

An Act to incorporate the Kenesaw Mining Company, of Georgia.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That Bedney F. McDonald, of the county of Fannin, of said State of Georgia, and such persons as he may associate with him, and their successors and assigns, shall be and they are hereby created and constituted a body corporate and politc, by the name and style of the Kenesaw Mining Company of Georgia, and by that name shall be and they are hereby made able and capable in law to have, hold, purchase, receive, work, sell, lease, enjoy and retain, to him or them and their successors or assigns, lands rents, tenements, mines of all character, goods, chattels and effects of whatever kind they may be, and the same to work, sell, lease, grant or dispose of, as may be deemed by the said Bedney F. McDonald, his associates, their successors or assigns, most conducive to the objects and interests of said corporation.

Incorporated. Style. May hold real estate, &c.

SEC. II. That the said corporation, by the foregoing corporate name, shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered unto. in any Court of law or equity in this State, and to make and use a common seal, and to alter and to change the same at pleasure, and to establish such by-laws, ordinances and regulations as shall be deemed necessary and convenient for the purposes of said corporation.

Sue and be sued, &c. Seal. By-laws.

SEC. III. That the object of said corporation is declared to be the mining, smelting, refining and working for gold, silver, copper and iron and other minerals or metals in the county of Fannin, and the other counties of the State of Georgia containing mineral, in which their lands at present owned by them, or which said corporation may purchase, lease or rent, may be situated, with a view to the effectual and speedy development of the same, and that for this purpose the capital stock of said Company shall consist of one hundred thousand dollars, subject to be increased at the will of the stockholders of said corporation to the amount of five millions of dollars; the same to be divided into such number of shares as said corporation by its by-laws may determine.

Objects. Capital stock. Shares.

SEC. IV. That there shall be an annual meeting of the stockholders of said corporation, at its principal office, at such time as may be fixed by the by-laws of the same, for the purpose of choosing five Directors and a President, to manage all the concerns thereof, who shall be stockholders, and elected by the stockholders in person or by proxy, each share entitling the holder thereof to one vote.

Annual meeting where, when. Officers. Votes.

SEC. V. That the said Bedney F. McDonald, and his associates or assigns, shall constitute the Directors of said corporation until the first annual meeting of the stockholders, and that the said Bedney F. McDonald, until said meeting, shall act as President of said corporation.

Directors. President pro tem.

Vacancies.

SEC. VI. That whenever any vacancy may occur by death, resignation or otherwise, in the office of President or Director or Directors, the remaining Directors and the President, or the Directors, if the vacancy shall be in the office of President, shall have power to appoint another or others to fill said vacancy or vacancies, until the regular annual meeting next ensuing.

Water privileges.

Right of way.

SEC. VII. That the said Bedney F. McDonald, and his associates, successors or assigns, for the purposes contemplated by this Act, be and they are hereby authorized and empowered, to divert, if deemed necessary, from their natural or present channels, the waters of Toccoa river and Noonatootla creek, in said county of Fannin, and any other stream or streams the water from which can be used in their mining operations, and to obtain the right of way under the provisions of the Acts of this State, relating to the "Yahoola River and Cane Creek Hydraulic Hose Mining Company," and the "Etowah and Auraria Hydraulic Hose Mining Company," and that said provisions, on the subject of obtaining the right of way for said water courses, shall have as full application to this corporation as to the companies above mentioned.

Offices.

SEC. VIII. That said corporation shall keep an office at Morganton, in the county of Fannin, and branch offices at other points as shall be deemed by the stockholders necessary to carry on their operations, at either of which, for all judicial purposes, shall be demed its location, and in which county or counties its principal or branch offices may be situated, it shall be liable to be sued.

Duration.

SEC. IX. That this Act shall be and continue in force for the term of twenty (20) years from and after the date of its passage.

Organize when, when commence business.

SEC. X. That said Company shall not organize until the whole capital stock shall have been subscribed, nor commence business until ten per cent. of the capital stock shall have been paid in.

Liabilities.

SEC. XI. That the private property of the stockholders shall be liable for the debts of the Company, to the amount of stock that may be subscribed and not paid in, at the time any suit may have commenced against them.

Taxation.

SEC. XII. That nothing herein contained shall be so construed as to prevent the State of Georgia from taxing the corporate property of said Company as other property of the State.

SEC. XIII. Repeals conflicting laws.

Approved 26th February, 1866.

(No. 184.)

An Act to incorporate the Little River Mining Company.

Corporators.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That James H. McWhorter, M. S. Durham, William B. Brightwell, William P. Harden, R. R. Harden, A. F. Durham and W. W. Durham, their associates, assigns and successors, be and they are hereby created and constituted a body politic and corporate,

under the name and style of the "Little River Mining Company," with full powers and privileges to and for the purpose of prosecuting, exploring, mining, digging, transporting and selling oil, petroleum, gold, silver, copper, iron and all other minerals in this State, on any lands they may acquire by purchase, lease or gift; also the privilege and power to manufacture iron from the ore into pig metal and rolled iron in all its qualities and forms, to erect all necessary machinery, buildings and furnaces, ware houses, and such other works as may be conducive to the successful operation of their business; and by said name and style are hereby made a body capable in law as individuals to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, and prosecute to final judgment in this State and elsewhere in all Courts of law and equity, to make use of and have a common seal, and change the same at will, with full power and authority to purchase, lease, receive in donation, estates real, personal and mixed, and to lease, sell and convey and otherwise dispose of the same, and all necessary powers and privileges for them as an incorporate Company, and by such name shall have succession for thirty years. The principal office of said Company shall be held and located in Greene county, Georgia, until otherwise changed by the Directors of said Company.

Style. Powers. Duration. Principal office.

SEC. II. That the incorporators, in person or by proxy shall, as soon after the passage of this Act as convenient, meet and organize, by the election of a Board of Directors, of not less than three nor more than five in number, who shall have the management and control of the affairs of the Company, a majority of whom shall constitute a quorum for the transaction of business, and each being a stockholder to the amount of at least twenty shares, who as well as their successors shall hold their office for one year, and until their successors are elected. Said Directors shall annually thereafter, by a notice given through a newspaper, call for an election by the stockholders of said Company, under such regulations as may be fixed by the by-laws of said Company. Each stockholder shall have one vote for each and every share he or she may own; and the votes may be cast in person or by proxy.

Organize when. Board of Directors. Term of office. Elections annual. Votes.

SEC. III. That the said Directors shall elect annually from their number a President and Vice President, Secretary and Treasurer, and shall appoint such other officers, agents, clerks and employees as the interest of the Company may require, and may take bonds conditioned for the faithful performance of their duties. The Directors may make such by-laws for the regulation of said corporation as may be necessary for the legitimate transaction of its business.

President and other officers. By-laws.

SEC. IV. That said Directors shall keep proper books of stock, and accounts of the business of said Company, which shall be subject at all times to the inspection of the stockholders, and they shall annually make a full and complete report of the operations of the Company.

Books subject to inspection. Shall report annually.

Capital. Shares.

SEC. V. That the capital stock of the Company shall be fifty thousand dollars, divided into shares of one hundred dollars each, which may be increased to two hundred thousand dollars.

How dissolved.

SEC. VI. That said corporation shall not be dissolved unless by a vote of two thirds of the whole capital stock.

Act to take effect when.

SEC. VII. That this Act shall take effect from and after its passage.

Liabilities.

SEC. VIII. All the property both real and personal of the Company, and the individual property of the stockholders, to the amount of their stock not paid in, respectively, shall be subject to the payment of all debts and liabilities of said Company.

Taxation.

SEC. IX. The State reserves the right to tax the property of this Company as other property of the citizens of the State.

When commence business.

SEC. X. That said corporation shall not commence business until ten per cent. of the capital stock in property or money be paid in.

Approved 21st March, 1866.

(No. 185.)

An Act to incorporate the Lookout Valley Mining Company.

Incorporated. Style.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That Ephraim T. Rogers, Robert M. Paris, A. M. Johnson, B. F. Pace, and E. D. Graham, and their associates and assigns and successors, be and they are hereby created and constituted a body politic and corporate, under the name and style of the Lookout Valley Mining Company, with full powers and privileges to and for the purpose of prosecuting exploring, mining, digging, transporting and selling oil, petroleum, gold, silver, copper, iron, coal and all other minerals in this State, on any lands they may acquire by purchase, lease or gift; also the privilege and power to manufacture iron from the ore into pig metal, and rolled iron in all its qualities and forms, to erect all necessary machinery, buildings, furnaces, ware houses, and such other works as may be conducive to the successful operations of their business, and by said name and style are hereby made a body capable in law as individuals to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, unite and prosecute to final judgment in this State and elsewhere in all Courts of law and equity, to make, use and have a common seal, and change the same at will, with full power and authority to purchase, lease, receive in donation, estates real, personal and mixed, and to lease, sell, convey and otherwise dispose of the same, and all necessary powers and privileges for them as an incorporate Company, and by such name shall have succession for thirty years.

Purpose. Powers. Duration.

When shall organize, how.

SEC. II. That the incorporators, in person or by proxy, shall as soon after the passage of this Act as convenient, meet and organize by the election of a Board of Directors of not less than three or

more than five in number, who shall have the management and control of the affairs of the Company, a majority of whom shall constitute a quorum for the transaction of business, each being a stockholder to the amount of at least twenty shares, who as well as their successors shall hold their office for one year, and until their successors are elected. Said Directors shall annually thereafter, by notice given through a newspaper, call for an election by the stockholders of said Company, under such regulations as may be fixed by the by-laws of said Company. Each stockholder shall have one vote for each and every share he or she may own, and the votes may be cast in person or by proxy.

Qualification of Directors. Term of office. Elections annual. Votes.

SEC. III. That the said Directors shall elect annually from their number, a President, Vice President, Secretary and Treasurer, and shall appoint such other officers, agents, clerks and employees as the interest of the Company may require and may take bonds conditional for the faithful performance of their duties. The Directors shall make such by-laws for the regulation of such corporation as may be necessary for the legitimate transaction of its business.

President and other officers. May require bonds.

SEC. IV. That said Directors shall keep proper books of stock and accounts of the business of said Company, which shall be subject at all times to the inspection of the stockholders, and they shall annually make a full and complete report of the operations of the Company.

Directors shall keep books, same subject to inspection. Annual report.

SEC. V. That the capital stock of said Company shall be fifty thousand dollars, with the privilege to increase it to five hundred thousand dollars, as a majority of the Directors may direct, divided into five hundred shares of one hundred dollars each, which may be increased or diminished as the Directors may determine.

Capital stock. Shares.

SEC. VI. That said corporation shall not be dissolved unless by a vote of two thirds of the whole capital stock, and that the property, both real and personal, of the Company, and the individual property of each stockholder, to the amount of his stock respectively subscribed and yet unpaid in, shall be subject to the payment of all debts and liabilities of said Company; *Provided*, that notwithstanding the dissolution, extinction, expiration by lapse of time, or *non user* of the charter, or the cessation of said corporation to transact business, that the corporate property of said corporation shall at all times be bound and liable for the payment of the corporate debts or contracts of said corporation.

Corporation dissolved. Liabilities. Proviso.

SEC. VII. That said corporation shall not organize until the whole capital stock is subscribed, and shall not begin operations until ten per cent. of the capital stock shall have been paid in.

Organize when, when commence business.

SEC. VIII. That nothing herein contained shall be so construed as to prevent the State from taxing the property of said corporation as other property of this State.

Taxation.

SEC. IX. That the principal place of business of said Company shall be at Trenton, Georgia.

Place of business.

SEC. X. That this Act shall take effect from and after its passage,

When Act to take effect.

and that all laws and parts of laws militating against the same be and are hereby repealed.

Approved 10th March, 1866.

(No. 186.)

An Act to incorporate the Madison Petroleum Company of Georgia.

Corporators. SEC. I. *The General Assembly of the State of Georgia do enact*, That Joel A. Billups, William C. Bibb and William L. High, and such other persons as may be associated with them for that purpose, and their successors, are hereby created a body politic and corporate, by the name and style of the Madison Petroleum Company of Georgia, and by that name shall be capable of suing and being sued, in all the Courts of this State, of purchasing and holding and conveying property of all descriptions; to make, alter and use a common seal, and generally to do any and all acts necessary to carry into effect the objects of the corporation, not inconsistent with the laws and Constitution of the State of Georgia, or of the United States.

Style.

Powers.

Capital, Shares. SEC. II. That the capital stock of said corporation shall be fifty thousand dollars, to be divided into shares of one hundred dollars each, which may be increased to two hundred and fifty thousand dollars. The stock shall be deemed and held as personal property, and if any stockholder shall neglect or refuse to make the payments on his stock, the same may be sold by order of the President and Directors, and such stockholder shall be liable for the balance due by him as stockholder to the corporation, as it becomes due.

Stock personal property. Failure to make payments.

Directors. SEC. III. That the Directors shall be composed of four stockholders, who may select a President from their number, and the said President and Directors shall have full power to appoint and remove all officers of said corporation, to fix their compensation, prescribe their duties, and provide for taking bonds from them for the security of the corporation, and shall also have power to fill any vacancy in the body, and appoint a President *pro tempore*, when the President is absent from their meeting.

President.

Officers, compensation, duties, bonds.

Vacancies.

Liabilities. SEC. IV. That the corporation shall be responsible to its creditors to the extent of its property, and the stockholders to the extent of their stock not paid up.

Charter. SEC. V. That this charter does and shall confer upon the above named parties, their heirs and assigns, and those they may elect to associate with them, the privilege for twenty-five years, of manufacturing oil and other fluids from shale and lignite, boring for petroleum and other fluids, mining for other minerals, manufacturing and refining the same in the State of Georgia, and that the property, funds and business transactions of the same, shall be subject to the same rate of taxation imposed by law upon the property and similar business transactions of other oil or mining companies.

Duration.

SEC. VI. That said corporation shall have the right to mine the shale and lignite and other minerals, to bore for oil and other fluids, and to manufacture and refine the same, to make and construct roads to and from their works, to the most convenient point or points for shipment of their material or manufactured articles, by paying fair valuation, to be agreed upon with the parties through whose land the same may pass, for the right of way. Rights.

SEC. VII. That the President and Directors shall adopt such by-laws, rules and regulations as they may deem necessary for the interests of the Company. By-laws.

SEC. VIII. That the principal place of business of said Company shall be at Madison, Georgia. Principal place of business.

SEC. IX. That said corporation shall not begin operation until (10) ten per cent. of the whole capital stock shall have actually been paid in. When begin operations.

SEC. X. Repeals conflicting laws.

Approved March 21st, 1866.

(No. 187.)

An Act to incorporate the McClusky Gold Mining Company.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That Doctor M. H. VanDyke, Richard VanDyke, Benjamin Hamilton, S. W. Bulloch and James W. Paul, and such other persons as they may associate with them and their successors, and assigns, shall be, and they are hereby declared (as soon as they shall organize under this Act.) a body corporate and politic, under the name and style of the McClusky Gold Mining Company, for the purpose of mining for Gold, or any other valuable mineral, on any lands said Company may now own, or may hereafter own, either by purchase or lease, in the county of Hall, in the State of Georgia; and by that name may sue, and be sued, plead or be impleaded, answer or be answered unto, in any Court of law or equity, in this State, having competent jurisdiction; may have and use a common seal, and alter the same at pleasure; may make, ordain and establish such by-laws, rules, and regulations, as they may deem expedient and necessary, to carry into effect the objects of the Company, *provided*, such by-laws, rules, and regulations, are not inconsistent with the Constitution and laws of this State, nor with the Constitution and laws of the United States. Incorporated. Style. Purpose. May sue, be sued, &c. Seal. By-laws. Proviso.

SEC. II. That the aforesaid Company, hereby created, shall, by its corporte name, be capable in law, of purchasing, owning, selling and conveying, any real, or personal estate, which may be necessary to enable said Corporation efficiently, to carry on the operations, mentioned in the first section of this Act. May hold real estate.

SEC. III. That the capital stock of said Company shall be two hundred thousand dollars, with the privilege to increase it to five hundred thousand, which capital stock of said Company may be di- Capital stock.

Shares. vided in such number of shares as may be determined upon, by a vote or votes, of three-fourths of the Stockholders, at a regular meeting of said Stockholders, to be ascertained by the rules and by-laws of said Company; all parties at interest first having notice of the time and place of such meeting; and all the private property, both real and personal, of each respective Stockholder, shall be held liable to the amount of his, her, or their subscribed stock, yet unpaid, at time of bringing suit; *Provided*, That, notwithstanding the dissolution, extinction, expiration by lapse of time, or *non user* of the charter, or the cessation of said Corporation to transact business, the corporate property of said Corporation shall, at all times, be bound and liable for the payment of the corporate debts or contracts, of said Corporation.

Liabilities.

Proviso.

Organize, when, where commence business. SEC. IV. That said Corporation shall not organize until the whole capital stock is subscribed; and shall not begin operations until ten per cent of the capital stock shall have been paid in, in property or money.

Taxation. SEC. V. That nothing herein contained, shall be so construed as to prevent the State from taxing the property of said Corporation as other property of this State.

Take effect. SEC. VI. That this Act shall take effect immediately upon its passage, and all conflicting laws are hereby repealed.

Approved 24th February, 1866.

(No. 188.)

An Act to incorporate the North-Georgia Petroleum and Mining Company, and for other purposes.

SEC. I. *The General Assembly of the State of Georgia do enact*, That Dawson A. Walker, Thomas Leach, James McEntire, John Bryant, William W. Oates, and William J. Peeples, their associates and successors, be, and they are hereby constituted a body politic and corporate, by the name and style of the North-Georgia Petroleum and Mining Company, for the purpose of exploring for petroleum, copper, iron, coal, gold, silver, lead, and other minerals, liquids and metals; and for mining, working, smelting and vending the same, and for such purposes may erect all necessary buildings, and other apparatus and fixtures, for carrying on their operations, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in all suits and actions in any Court of law or equity whatever; may have a common seal, and the same alter or renew at pleasure, and may enjoy all the privileges incident to Corporations, and may purchase, hold, mortgage, lease, transfer and convey, any real or personal estate.

Incorporated.

Style.

Purpose.

Powers.

When books shall be opened for subscription. SEC. II. That the books of said Corporation may be opened at any time or times (after the passage of this Act,) and at any place or places, that the corporators may think proper, for the subscrip-

tion of stock, that the capital stock of said Company, shall be two hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing said capital stock at any time hereafter, as a majority of the Stockholders may desire, not to exceed five hundred thousand dollars. But they shall not organize until the whole capital stock shall have been subscribed. And they shall not begin operations until ten per cent of the capital stock shall have been paid in.

Capital. Privilege of increasing stock. When shall organize. When commence business.

SEC. III. That at any time after the whole capital stock shall have been subscribed, the said corporators, or any three of them, may call the Stockholders together at any place, for the purpose of electing a Board of Directors; said Board of Directors shall consist of five, and shall be chosen from among the Stockholders, by the votes of a majority of the Stockholders present at such meeting, and such Board of Directors shall hold their office for one year and until their successors are elected; and shall take charge of the concerns of the Company, subject to such rules and regulations as may be adopted by the Stockholders. Such rules and regulations to be in harmony with the Constitution and laws of this State.

Election. Term of office.

SEC. IV. That the Directors shall cause a book to be kept containing the names of all the Stockholders of said Company, showing their place of residence, the number of shares of stock held by each, respectively, and the time when they became respectively the owners of said shares, and the amount of stock respectively paid in, which book shall, during the usual business hours of each secular day, be opened at the place of business of said Corporation, for the inspection of the Stockholders and creditors (or their representatives) of the Company.

Book of entry. Shall be opened for inspection.

SEC V. That the corporate property of said company shall be taxed as other property.

Taxation.

SEC. VI. That all the private property, both real and personal, of each respective Stockholder, shall be held liable to the amount of his, her, or their subscribed stock, yet unpaid; *Provided*, That notwithstanding the dissolution or extinction, expiration by lapse of time, or *non user* of the charter, or the cessation of said Corporation, to transact business, that the corporate property of said Corporation shall, at all times, be bound and liable for the payment of the corporate debts or contracts of said Corporation.

Liabilities. Proviso.

SEC. VII. Repeals conflicting laws.

Approved 10th March, 1866.

(No. 189.)

An Act to incorporate the North-Western Mining Company.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That E. M. Dodson, W. H. Payne, W. J. Whitsill, D. A. Lowry, and J. A. W. Johnson, their associates, assigns and successors be, and they

Corporators.

are hereby created and constituted a body politic and corporate, under the name and style of the North-Western Mining Company, with full powers and privileges, to and for the purpose of prosecuting exploring, mining, digging, transporting and selling oil and petroleum, gold, silver, copper, iron, and all other minerals, in this State, on any lands they may acquire, by purchase, lease, or gift; also, the privilege and power to manufacture iron from the ore, into pig metal and rolled iron in all its qualities and forms; to erect all necessary machinery, buildings, furnaces, warehouses, and such other works as may be conducive to the successful operations of their business; and by said name and style are hereby made a body capable in law, as individuals, to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, unite and prosecute to final judgment, in this State and elsewhere, in all Courts of law and equity; to make, use, and have a common seal, and change the same at will; with full power and authority to purchase, lease, and receive, in donation, estates, real, personal, and mixed, and to lease, sell and convey, and otherwise dispose of the same; and all necessary powers and privileges for them as an incorporate company, and by such name, shall have succession for thirty years.

Style.

Powers.

Duration.

SEC. II. That the corporators, in person or by proxy, shall, as soon after the passage of this Act as convenient, meet and organize by the election of a Board of Directors, of not less than three, nor more than five in number; who shall have the management and control of the affairs of the Company, a majority of whom shall constitute a quorum for the transaction of business, and each being a Stockholder to the amount of at least twenty shares, who, as well as their successors, shall hold their office for one year, and until their successors are elected. Said Directors shall annually thereafter, by notice given through a newspaper, call for an election, by the Stockholders of said Company, under such regulations as may be fixed by the by-laws of said Company; each Stockholder shall have one vote for each and every share he or she may own, and the votes may be cast in person or by proxy.

Board of Directors.

Term of office.

Election.

Votes.

SEC. III. That the said Directors shall elect annually, from their number, a President, Vice-President, Secretary and Treasurer, and shall appoint such other officers, agents, clerks, and employees, as the interests of the company may require, and may take bonds conditioned for the faithful performance of their duties. The Directors shall make such by-laws for the regulation of said Corporation as may be necessary for the legitimate transaction of its business.

President and other officers.

Bonds.

By-laws.

SEC. IV. That said Directors shall keep proper books of stock, and account of the business of said Company, which shall be subject at all times to the inspection of the Stockholders, and they shall annually make a full and complete report of the operations of the Company.

Books subject to inspection.

SEC. V. That the capital stock of the Company shall be fifty thousand dollars, divided into five hundred shares, of one hundred

Capital.

Shares.

dollars each, which may be increased or diminished, as the Directors may determine, such increase not to exceed two hundred thousand dollars.

SEC. VI. That said Corporation shall not be dissolved, unless by a vote of two-thirds of the whole capital stock. How dissolved.

SEC. VII. That this Act shall take effect from, and after its passage, and all the property, real and personal, of the company, and the individual property of Stockholders, to the amount of their stock yet unpaid, respectively, shall be subject to the payment of all debts and liabilities of said company. Liabilities.

SEC. VIII. That the State hereby reserves the right to tax the property of this Company as other property of citizens of this State. Taxation.

SEC. IX. That said corporation shall not commence business until ten per cent of the capital stock in property, or money, be paid in.

Approved 2nd April, 1866.

(No. 190.)

An Act to incorporate the Southern Mining Company.

SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That William W. Garrard, J. Reed Ivey, Israel M. Nuner, and their associates, stockholders, and successors, are hereby constituted a body politic and corporate, under the name and style of the Southern Mining Company, for the purpose of exploring, mining, and washing for gold, silver, copper, lead, and other metallic ores and minerals and petroleum, and for smelting, vending, or using the same, or any of the productions thereof, and for dredging, or otherwise excavating the bottoms of water courses, and washing the earth, and the other material found therein, in search of such metals, ores, and minerals, and petroleum, and for building such vessels and boats, and erecting such buildings, machinery, apparatus and fixtures, and keeping, using and running the same, as may be found necessary to the successful prosecution of the legitimate objects for which the said company is incorporated, and by that name shall they sue and be sued, plead and be impleaded, appear, prosecute, and defend, in any Court of law or equity whatsoever, in all suits, or actions; may have a common seal, and the same alter, or renew at pleasure, and may enjoy all other privileges, incident to corporate bodies; and may purchase, hold, lease, mortgage, transfer, or convey, any personal or real estate, or the right to mine and possess minerals, petroleum, metals and ores, on real estate held by other parties, or minerals, metals, ores, petroleum, and the productions of the same, mined or

Incorporated. Name. Purpose. Sue, be sued, &c. Seal. Privileges.

Principal place of business.

possessed by other parties, and shall have their principal place of business at Rome, or Atlanta, in this State.

Directors term of office.

SEC. II. That the corporators named in the first section of this Act, shall be the Directors until such time previous to the 1st day of January, one thousand eight hundred and sixty-seven, as they may call a meeting of stockholders, which meeting shall be the first annual meeting, and shall be for the purpose of electing a Board of Directors, for the ensuing year, according to such regulations as they may adopt, and for the purpose of adopting rules and by-laws, for the future government of the company, and shall be held at the office of the said company, after thirty days notice has been given, by publication in a public journal.

Election.

Meeting to be held, when.

Corporators directors until election.

SEC. III. That the corporators named in the first section of this Act, shall continue to act as Directors, until elections are held as provided for in section second hereof, and successors duly elected, and at no time shall the rights and privileges, accorded by this Act, be held forfeit by reason of a failure to elect directors, as in section second, provided for, but in all cases of such nature, the Directors at such time in office, shall continue to serve until their successors are duly elected.

President.

SEC. IV. That the corporators named in the first section of this Act, or their successors, in the direction of the said Company, shall have power and are required, to appoint from among their number, a President, who shall serve as such, subject to rules adopted by the Directors, and whose term of office shall expire with that of the Directors appointing him; and the said Directors shall appoint such agents, secretaries, engineers, or other officers and employees, and establish such rates, and terms of compensation, as they may deem best.

Other officers

Compensation.

Capital.

Shares.

SEC. V. That the capital stock of the said company shall be one hundred thousand dollars, ($100,000) divided into shares of not less than twenty dollars each, which shares shall be subscribed and paid for, as may be prescribed by the Directors, and shall be transferable on the books of said company; the capital stock of said company may be increased hereafter to a sum not exceeding one million of dollars, ($1.000.000) by order of the stockholders; and additional shares shall be made, to an amount equal in the aggregate, to such increase of capital stock, and said shares shall be purchased, held, and transferred in all respects, the same as those of the original capital stock.

Stock may be increased.

Additional shares held as original stock.

Company may divide capital stock.

SEC. VI. That the said Company may divide their capital stock into such number of parts as may allow one part to each mine, or works leased, owned, or otherwise held by said company, and shall regulate the amount of capital stock thus allotted to such separate mines, or works; and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends, on the shares of said mines, or works, separately, from the operations of the mother company, and such divisions of shares as are in this section provided for, shall only be effected by the Directors, upon a vote in fa-

vor of such division, by two-thirds of the stock at such time, standing as subscribed, and not forfeited, upon the books of the company.

SEC. VII. That the said company shall not contract debts, over and above the amount of capital stock paid in, and that no parts of said amounts so paid in, as prescribed by the Directors, shall be diverted from the business of the company without the consent of two-thirds of the Stockholders. Limitation of indebtedness, &c.

SEC. VIII. That in all cases where the sense of the Stockholders is taken, one share shall be entitled to one vote. Votes.

SEC. IX. That no rule, regulation, or by-law, shall be adopted by the said company, that shall not be in accordance with the laws of Georgia, and of the United States of America. By-laws, &c.

SEC. X. That this charter shall continue in force for thirty years. Duration.

SEC. XI. That said company shall not organize until the whole capital stock shall have been subscribed, nor commence business until ten per cent of the capital stock shall have been paid in. Organize, when. When commence business.

SEC. XII. That the private property of the Stockholders shall be liable for the debts of said company, to the amount of stock they may have subscribed, and not paid in, at the time any suit may have commenced against him. Liabilities.

SEC. XIII. That nothing herein contained shall be so construed as to prevent the State of Georgia from taxing the corporate property of said company, as other property of the State. Taxation.

Approved 12th March, 1866.

(No. 191.)

An Act to incorporate the Vulcan Iron and Coal Company, and to confer certain powers and privileges thereon.

SEC. I. *The General Assembly of the State of Georgia do enact*, That for the purpose of developing the mineral resources of the State, Wm. B. Johnson, Ed. L. Strohecker, O. G. Sparks, Larkin Payne, and R. L. Joice, and their associates, be, and they are hereby constituted a body politic and corporate, by the name of the Vulcan Iron and Coal Company, and by that name shall be able and capable to sue and be sued, to plead and be impleaded, in any Court whatever, and may have and use a common seal, and may alter and renew the same at pleasure; and the said body corporate shall have all the powers, facilities and franchises and rights, necessary and proper, for the carrying on the mining of iron and coal, and preparing the same for use, for erecting and carrying on furnaces, mills and all other buildings, machinery and fixtures, necessary for the successful operation of the legitimate business of said company, and the beneficial management of its property, and for the transportation of its iron and other proceeds, issues and profits of its mines, mills and property, to market, and shall have power and authority to purchase, lease, and hold any property, real, personal, Incorporated. Name. Powers.

and mixed, which may be deemed by said company necessary for its purposes.

Capital. Shares. May increase stock.

SEC. II. That the capital stock of said company shall be one million of dollars, divided into shares of the par value of one hundred dollars each, and said company shall have the right, at any time, as they may think proper, to increase said capital stock to not exceeding two millions of dollars.

Books of subscription shall be opened by Commissioners, when. How paid.

SEC. III. That books of subscription to the capital stock of said company, shall be opened under the superintendence of said commissioners named in the 1st section, in the city of Macon, and at such other places and at such times as they may deem expedient, which subscription shall be paid in cash in installments as called for by the Board of Directors.

Votes. Shares personal property.

SEC. IV. That in all meetings of the Stockholders of said Company, each share of stock shall entitle the holder to one vote to be given in person or by proxy, and said shares shall be considered as personal property, and shall be transferable in such manner as may be provided by the by-laws of said company.

Affairs by whom managed. Vacancies.

SEC. V. That the affairs of said company shall be managed by the persons named in the first section of this Act, and who are hereby constituted Directors of said company, until Directors shall be elected as hereinafter provided, and in case of the decease of any one or more of said persons, or in case of the refusal of any one or more of said persons to act as Director or Directors, the remaining person or persons, shall have power to select other persons as Directors, for the time being, in their stead.

Board of Directors. Elected annually, day and time. Votes. President. Election, when held. Duties of President. Term of office. Power to appoint and remove officers. And to fill all vacancies. Installments. May borrow money, execute deeds, &c.

SEC. VI. That the affairs of said company shall be managed by a Board of Directors, to consist of seven persons, four of whom shall constitute a quorum, and they shall be elected annually, by the Stockholders, on such day and time as may be fixed by the by-laws, each Stockholder being entitled to one vote for every share of the capital stock owned or held by him, and one of the Directors so elected shall be elected by them, as President, a majority of votes being necessary to a choice, and the election to be held at the first regular meeting after the organization of the said Board, and annually thereafter, on such day and time as may be fixed by the by-laws, and the President shall have such powers and authority, and perform such duties as President, as may be prescribed by the by-laws of said company, and the said Directors shall continue in office until their successors are installed, and shall have power to appoint all subordinate officers, agents and servants, of said company, necessary to the management of its affairs, and remove all officers, agents and servants of said company, the President included, and to fill all vacancies that may occur in the Board of Directors, or in the offices of said company by death, resignation or otherwise, to call in from time to time, as they may deem proper, such installments on the capital stock of said company as may remain unpaid; to manage and conduct all its business of every kind; to borrow money at any time and from time to time, as in their judg-

ment the exigences of company require; and to execute, if deemed expedient by them, any deed, or deeds of mortgage, as security of the fulfillment by said company, for its contracts or other liabilities.

SEC. VII. That in the event of the death or resignation of all, or a majority of the Directors, the Stockholders shall have the power to elect, according to the provisions of the 6th section of this charter, a new Board of Directors, at such time, and with such notice, as may be provided by the by-laws of the company. Stockholders' power to elect new Board of Directors.

SEC. VIII. That in the event that any of the subscribers to the capital stock of said company, shall fail to pay any installment or installments, which may be required by the Board of Directors, on the capital stock subscribed for, or held in their names, then the said Board of Directors shall have power to declare said capital stock and all installments previously paid on it, forfeited to said company, and said defaulting subscriber or subscribers, shall be thenceforth barred against all rights of recovery from said company, for the stock so forfeited; *Provided*, That said Board of Directors, shall, before the said forfeiture, give to said delinquent subscriber or subscribers, at least ninety days notice. Delinquent Stockholders. Penalty. Proviso.

SEC. IX. That the provisional Board of Directors, authorized to act by the first clause of the fifth section of this Act, shall, so soon after the passage of this Act as may be deemed expedient by them, through the public gazettes of the city of Macon, call a meeting of the Stockholders in said company, to be held in Macon, which meeting, when assembled, shall proceed to elect a permanent Board of Directors, a majority of the Stockholders voting being necessary to a choice. Provisional Board of Directors to call meeting of Stockholders. Permanent Board.

SEC. X. That said company be, and is hereby invested, with all and singular, the rights, powers and authorities, which are necessary to enable it to locate, construct and maintain such Rail Road or Rail Roads, as the Directors may deem necessary, for the convenient transaction of its business, beginning at or near the mines of said company, in Dade county, and running to such point or points in said county, as will enable them to connect the same with any other Rail Road, now constructed, or which may hereafter be constructed, within said county, and may, at any point on its own land, or any other lands which it may acquire by purchase, or gift, connect such Rail Road with, or across any other Rail Road, now constructed, or to be constructed therein; *Provided*, That said company do not obstruct, or interfere with the free passage of said Rail Road or Rail Roads. Power to construct Rail-roads. Proviso.

SEC. XI. That the said Vulcan Iron and Coal company, shall be entitled to commence operations, and exercise the functions herein granted, as soon as the sum of two hundred thousand dollars has been *bona fide* subscribed on the books of said company. When commence operations.

SEC. XII. That all the private property, both real and personal, of each respective stockholder, shall be held liable to the amount of his, or her, or their subscribed stock, yet unpaid; *Provided*, That Liabilities. Proviso.

notwi hstanding the dissolution, extinction, expiration by lapse of time, or *non user* of the charter, or the cessation of said corporation to transact business, that the corporate property of said corporation shall, at all times, be bound and liable for the payment of the corporate debts, or contracts, of said corporation.

Taxation.

SEC. XIII. That nothing herein contained shall be so construed as to prevent the State of Georgia from taxing their corporate property, as all other property of this State.

SEC. XIV. Repeals conflicting laws.

Approved 7th March, 1866.

(No. 192.)

An Act to incorporate Wahatchee Mining Company.

Incorporated. Name. Style. Duration.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That Lemuel L. Thomasson, William E. Brock, Robert M. Paris, E. T. Rogers, and Matthew B. McMahan, their associates and assigns, be, and they are hereby created a body politic and corporate, to be known in law as Wahatchee Mining Company; to have succession and a corporate existence for the term of twenty years; with the power and authority of contracting and being contracted with, suing, and being sued, pleading and being impleaded, and to be endowed with all the rights and privileges appertaining to other incorporations granted by the State, *provided however*, that none of the powers hereby granted, shall be so construed as to authorise the issuance of notes for circulation, or in anywise engaging in the business of banking.

Proviso.

Capital. Shares.

SEC. II. That the capital stock of the company shall be fifty thousand dollars, with the privilege of increasing the same to two hundred and fifty thousand dollars; shares to be of the par value of one hundred dollars, and the same considered and held in law as personal property, and transferable on the books of the company.

Commissioners for receiving subscriptions. Organize by election. Term of office.

SEC. III. The said incorporators, or any three of them, their successors or assigns, may act as commissioners for receiving subscriptions to the capital stock of the said con pany, and when the subscriptions shall amount to a sum not less than fifty thousand dollars, the Stockholders may organize by the election of a Board of Directors, to consist of not less than three, nor more than nine persons, who shall control the business affairs of the company, and hold their offices until their successors are elected and installed.

Board of Directors shall elect President and other officers. Compensation, by-laws.

SEC. IV. The Board of Directors thus constituted, shall elect a President and a Secretary, and Treasurer, from their own number, and prescribe their duties and powers, and fix their compensation, and enact by-laws for the government of the company.

May hold property.

SEC. V. The said company, thus organized, may purchase, lease, rent or hold, any and all property, real, personal and mixed, as shall be regarded necessary, for the purpose of mining, manufac—

turing, and preparing for market; also, vending any of the minerals, metals or metallic ores and oil, and of selling or otherwise disposing of said property, or any part thereof, under regulations to be prescribed in the by-laws of the company.

SEC. VI. That the Board of Directors shall have power to provide for the forfeiture and sale of any share or shares of the stock in default of payment of any installment or installments, after notice shall have been given for thirty days, and such sale shall be final, and such defaulting Stockholder or Stockholders, forever barred against recovery, on account of stock thus sold. Delinquent Stockholders.

SEC. VII. That in all general elections and business meetings of the Stockholders, each share shall entitle the holder to one vote, when such shareholder is not in any way indebted to the company, to be cast in person or by proxy. Votes.

SEC. VIII. That said company shall not be organized for business until their entire stock is taken and ten per cent of the same is paid in, in money or property; and that nothing herein shall be so construed as to exempt the stock of said company from taxation. Organized, when. Taxation.

SEC. IX. That this Act shall take effect from and after the date of its passage. Act take effect when.

SEC. X. That the individual property of each Stockholder, to the amount they shall have respectively subscribed, and not paid in, shall be liable for the debts of said company. Liabilities.

Approved 6th March, 1866.

(No. 193.)

An Act to incorporate the Yonah Gold Company.

SEC. I. *Be it enacted*, That John L. Richardson, Thomas N. Lumsden, J. R. Dean, Jr., their associates, successors and assigns, be, and are hereby created a body corporate and politic, by the name and style of the Yonah Gold Company, for the purpose of mining for gold, and other valuable minerals. Incorporated. Purpose.

SEC. II That the capital stock of said company shall be fifty thousand dollars; that each share of said stock shall entitle the holder thereof to one vote, and that said company shall enjoy the same rights and privileges, and be subject to the same liabilities and restrictions not inconsistent with this act, as are granted to and imposed upon the Nacoochee Hydraulic Mining Company, by an Act approved December the 22d, 1857, and by acts subsequent amendatory to said Act, and generally have exercise and enjoy, all the rights and privileges incident to corporations. Capital. Votes. Powers.

SEC. III. That said company shall hold their office for all judicial purposes, at Nacoochee, White county. Office.

SEC. IV. That said corporation shall not organize and commence business until the whole capital stock shall have been subscribed, and ten per cent paid in. Shall organize, when.

Approved 10th March, 1866.

X. MINING AND MANUFACTURING COMPANIES.

ACT NO. 194, ATLANTA MINING AND ROLLING MILL COMPANY.
" " 195, BLAIRSVILLE MINING AND MANUFACTURING COMPANY.
" " 196, CHEROKEE MINING AND MANUFACTURING COMPANY.
" " 197, FRANKLIN MINING AND MANUFACTURING COMPANY.
" " 198, GEORGIA AND ALABAMA MINING AND MANUFACTURING COMPANY.
" " 199, GEORGIA AND ALABAMA PETROLEUM MINING AND MANUFACTURING COMPANY.
" " 200, GORDON MINING AND MANUFACTURING COMPANY.
" " 201, MINING, MANUFACTURING AND IMPROVEMENT COMPANY.
" " 202, NEW ERA MINING AND MANUFACTURING COMPANY.
" " 203, NORTH GEORGIA MINING AND MANUFACTURING COMPANY.
" " 204, do do do SUPPLEMENTARY.
" " 205, TRENTON AND LOOKOUT MINING, MANUFACTURING AND PETROLEUM COMPANY.

(No. 194.)

An Act to incorporate the Atlanta Mining and Rolling Mill Company.

Incorporated.

Name.

May hold and dispose of real and personal estate.

Sue and be sued, &c.

Have a common seal.

Place of business.

May have all necessary powers.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That John D. Gray, Allen Kennedy, Aaron Alexander, William C. Gray, and their associates and assigns, shall be and they are hereby incorporated and made a body politic and corporate, by the name and style of the Atlanta Mining and Rolling Mill Company, and by that name shall be capable in law of purchasing, leasing, renting, holding and disposing of all such property, real, personal and mixed, as they may require for the purpose of mining for any and every species of minerals, and for manufacturing iron and rolling the same into Rail Road bars, or any other article into which iron is manufactured, and for transporting the same and disposing thereof, and may sue and be sued, plead and be impleaded, answer and be answered unto, and prosecute to final judgment in any Court of law and equity in this State, and may have and use a common seal, establish an office at Atlanta, and at such other point or points as they may think necessary for the transaction af their business, and may generally do any and every act which corporate bodies are capable of doing, under the Constitution and laws of this State, necessary to carry into effect and promote the objects of said Company.

Capital.

Shares.

SEC. II. That the capital stock of said Company shall be two hundred thousand dollars, ($200,000,) with the privilege of increasing the same to five hundred thousand dollars, ($500,000,) divided into such number of shares as shall be provided by the by-laws of said Company.

Authorized to receive subscriptions.

When Company may commence business.

By-laws

SEC. III. That the persons hereinbefore named, or any three of them, shall be authorized to receive subscription to the capital stock of said Company, to determine the amount per share of said stock, and when the capital stock shall have been subscribed, and ten per cent. of the whole capital stock paid in, either in money or property, the stockholders may organize and make by-laws for the

government of the Company, each share of stock entitling the holder to one vote. Votes.

SEC. IV. That the affairs of said Company shall be managed by a President and three Directors, to be elected by the stockholders, a majority of said Bord to constitute a quorum for the transaction of business. Managers. Majority of Board quorum.

SEC. V. That the stockholders of said corporation may be made liable *pro rata* for the debts of said corporation to the amount of stock by them respectively taken or owned, but for no greater amount; *Provided*, that when any stockholder shall transfer his stock, or any part thereof, and advertise the same for six months in some newspaper published in Atlanta, such liability shall cease, except as to creditors, who shall notify such stockholder of the amount of their claims against the said corporation prior to the expiration of said time. Liability of stockholders. Proviso.

SEC. VI. That the books of said corporation containing the accounts and proceedings shall at all reasonable times be open for the inspection of any of the stockholders, and the said corporation shall, at all times, have a lien on all the stock or property of its members invested therein, for all debts due from them to said corporation, and *pro rata* for all the debts due by the Company. Books shall open for subscription. Corporation to have a lien on stock.

Approved 9th March, 1866.

(No. 195.)

An Act to incorporate the Blairsville Mining and Manufacturing Company.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That John England, Carlton J. Wellborn, John S. Fain, Thomas J. Haralson, John M. Rich, Silas Ledford, Alfred Butt and John B. Black, and such other persons as now are or hereafter may be associated with them and their successors and assigns, shall be and they are hereby declared to be a body corporate and politic, by the name and style of the Blairsville Mining and Manufacturing Company, and by that name shall be capable in law of purchasing, leasing, renting, hiring and holding all such property, real, personal and mixed, as they may deem proper, for testing and mining for gold, silver, copper, coal, iron and any and all other kinds of mineral whatsoever, and for the manufacturing of iron, and transporting the proceeds of any or all their mining and manufacturing operations, and disposing of the same; and may sue and be sued, plead and be impleaded, answer and be answered unto, and prosecute to judgment in all Courts of law or equity in this State, and may have and use a common seal, establish an office or offices at such point or points as they may think proper for the transaction of their business, but the principal office of said Company shall be in the town of Blairsville, in the county of Union, and may generally do any and every other act which corporate bodies Incorporated. Name. May hold real and personal estate. Sue and be sued. Have a common seal. Establish office. Principal office at Blairsville.

May have all necessary powers.

are capable of doing under the Constitution and laws of this State, which are necessary to carry into effect and promote the objects of said Company.

Capital.

SEC. II. That the capital stock of said Company shall be fifty thousand dollars, with privilege of increasing the same to eight hundred thousand dollars, as a majority at the Board of Directors may deem proper. That said capital stock shall be divided into such number of shares as the by-laws of said Company may prescribe, and that said Company shall not commence business until said capital stock shall have been subscribed in money or property, and ten per cent. of the same paid in.

Shares.

When Company shall commence business.

Powers.

SEC. III. That the persons heretofore named, or any five of them, shall have power to organize and make by-laws for the government of the Company, to receive subscriptions to the capital stock, and determine the amount per share of said stock.

Officers.

Election.

Votes.

President. Directors.

SEC. IV. That the affairs of said Company shall be managed by five Directors, or a President, to be chosen from the body of Directors, as the Company may determine, or by both jointly, said President and Directors to be elected by the stockholders, and each share of stock shall entitle the holder to one vote, and said President and Directors shall have power to appoint all officers and agents that may be deemed necessary for the transaction of the business of the Company; to lease, rent, hire, bargain for, or purchase, all such lands, buildings, chattels, materials, rights, mineral interests, privileges and effects whatsoever, which they may think necessary for effecting the objects of the Company, and the same or any part thereof to use, sell or dispose of, as they may think best for the interest of the Company.

Shares personal property.

SEC. V. That the shares of said Company shall be considered and held in law as personal property, and may be sold and transferred on the books of said Company, or assigned or bequeathed by the owners thereof.

Special meetings may be called.

Officers, how removed.

SEC. VI. That special meetings of the stockholders may be called by a majority of the Directors, or the President, or any number of stockholders representing one fourth of the capital stock of the Company, and all officers of said Company shall be subject to removal by a two thirds vote of the stockholders, at any special meeting of the Company called for that purpose.

Taxation.

SEC. VII. That nothing herein contained shall be so construed as to prevent the Legislature from taxing the corporate property of said Company as other property of this State.

Liability of stockholders

SEC. VIII. That the individual property of each stockholder, both real and personal, shall be liable for the debts of said Company to the amount of stock subscribed by them and not paid in at the time any suit shall have been commenced against said Company.

SEC. IX. That said Company shall have succession for thirty years.

Approved 1st March, 1866.

(No. 196.)

An Act to incorporate the Cherokee Mining and Manufacturing Company.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That for the purpose of promoting and developing the mineral and manufacturing interests of the State, Lemuel L. Thomason, Matthew B. McMahan, John L. Barnard, Vance C. Larmore, A. Malone Johnson, and their associates and successors, are hereby incorporated and constituted a body politic, under the name and style of the "Cherokee Mining and Manufacturing Company," and in that name shall be capable in law of purchasing, leasing, renting and holding all such property, real, personal and mixed, and exercising all the powers, facilities, franchises and rights necessary for mining, manufacturing and vending any of the minerals or metals; may sue and be sued, plead and be impleaded, in any of the Courts of law or equity; may use a common seal, and generally do any other act not in conflict with the Constitution or laws of the State, necessary to promote the interests of their legitimate business. Incorporated. Style. Powers.

SEC. II. That the capital stock of the said Company shall be two hundred and fifty thousand dollars, ($250,000,) divided into shares of the par value of one hundred dollars, ($100 00,) with the privilege of increasing the same to five hundred thousand dollars. Capital stock. Shares.

SEC. III. That the persons before named, or any three of them, may receive subscriptions to the capital stock, and when the subscription shall amount to not less than one hundred thousand dollars, ($100,000,) the stockholders may organize and enact by-laws for the government of the Company, and in all general meetings of the stockholders each share of stock shall entitle the holder to one vote, which may be cast in person or by proxy. Subscription. Votes.

SEC. IV. That the affairs of said Company shall be managed by a Board of Directors, to consist of five (5) persons, three of whom shall constitute a quorum, and one of whom shall be by the Board elected President, and another Secretary and Treasurer, and the compensation of these officers respectively shall be fixed from time to time by the Board of Directors, and their powers and duties shall be prescribed in the by-laws of the Company, and the said Board of Directors shall be elected annually, and shall continue in office until their successors are elected and installed; shall have power to make elections, to fill any vacancy that may occur in the Board by reason of death, resignation or otherwise, or to remove any officer of the Board. They shall also have power to call for such installments as they may deem proper, on any unpaid portion of capital stock, and to provide for the forfeiture and sale of any share or shares thereof in default of payment, after thirty days notice shall have been given, and such sale shall be final and valid, Directors and other officers. Vacancies. Installments. Forfeiture of shares.

and such defaulting subscriber or subscribers shall be thenceforth barred against all rights of recovery for the stock thus forfeited.

Directors may execute mortgage.

The said Board of Directors shall have power, if in their judgment at any time the exigencies of the Company shall require it, to execute any deed or deeds of mortgage as security for the fulfillment by the Company of any contracts or liabilities.

Shares personal property.

SEC. V. That the shares of stock in said Company shall be considered and held in law as personal property, and may be sold and transferred on the books of the Company, or assigned or bequeathed by the owners thereof.

Liability of stockholders.

SEC. VI. That the individual property of each stockholder shall be liable for the debts of said Company to the amount subscribed by them and not paid in at the time any suit shall have been commenced against said Company.

Taxation.

SEC. VII. That nothing herein contained shall be so construed as to prevent the Legislature from taxing the corporate property of said Company as other property of this State.

Commence business.

SEC. VIII. That said Company shall not commence business until ten per cent. of the capital stock subscribed shall have been paid in, either in money or property.

Duration.

SEC. IX. That this Act shall continue in full force for a period of twenty (20) years from and after the date of its passage.

Approved 24th February, 1866.

(No. 197.)

An Act to incorporate the Franklin Mining and Manufacturing Company.

Corporators.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That E. J. Johnson, J. C. Butler, T. C. Downie, C. B. Franklin, W. S. Moughon, and others, are created a body corporate and politic, by the name of the Franklin Mining and Manufacturing Company, to carry on the business of mining and manufacturing, in the county of Cherokee, upon lands owned by the estate of Doctor Marcus A. Franklin, the assent of the representatives and parties interested in said estate being first obtained, and such other lands adjacent thereto as said corporation may become possessed of by purchase, lease, gift or otherwise, and that said corporators, under the name and style of the "Franklin Manufacturing and Mining Company," shall be able in law to sue and be sued, plead and be impleaded, answer and be answered unto, in any Court of law or equity, and to make and use a common seal, and to establish such ordinances, by-laws and regulations as shall be necessary and convenient for conducting the affairs of the Company, not inconsistent with the constitutional laws of the United States, or of this State.

Name.

Powers.

SEC. II. That the object of said Company is declared to be the mining, smelting, refining, working of gold and other ores of min-

erals, and for the establishment of a factory for the manufacturing of cotton, woolen, and other articles and things, as said Company may wish to manufacture. Objects.

SEC. III. That the capital stock of said Company shall be one hundred and fifty thousand dollars, with power and authority to increase the same to five hundred thousand dollars, divided into such number of shares as shall be provided for and fixed by the by-laws of said Company, for the purpose of chosing five Directors to manage all the concerns thereof, who shall be stockholders, and be elected by ballot by the stockholders in person or by proxy, each share entitling the holder thereof to one vote. Capital. Shares. Votes.

SEC. IV. That E. J. Johnson and his associates shall be and continue to be the Directors of said Company until the first annual meeting of the stockholders. The Directors shall appoint their President and other officers, and shall fill all vacancies that may occur in their body during the time of their appointment, and they shall continue in office until new Directors have been elected. Directors. President and other officers. Vacancies.

SEC. V. That said corporation shall keep an office in the city of Macon, county of Bibb, which shall be considered for all judicial purposes its location, and in which county it shall be liable to be sued. Location.

SEC. VI. That each stockholder in said incorporation shall be held jointly and severally liable for the debts of said incorporation for the amount of the stock he, she or they may hold in said incorporation. Liabilities.

SEC. VII. That nothing herein contained shall be so construed as to prevent the State from taxing the corporate property as the property of this State. Taxation.

SEC. VIII. That said corporation shall not commence business until ten per cent. of the capital stock shall be paid in. When commence business.

Approved 21st March, 1866.

(No. 198.)

An Act to incorporate the Georgia and Alabama Mining and Manufacturing Company.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That James Noble, Jr., Charles H. Smith, John M. Berry, Daniel S. Printup, John H. Daughdrill, R. H. Hart, Samuel Noble and Jas. Noble, Sr., and their associates and assigns, shall be and they are hereby incorporated and made a body politic, by the name and style of the Georgia and Alabama Mining and Manufacturing Company, and by that name shall and may be capable in law of purchasing, leasing, renting and holding all such property, real and personal and mixed, as they may require for the purposes of mining coal, iron, salt and other minerals, and manufacturing of iron, and boring for oil, refining and manufacturing the same, and for trans- Incorporated. Style. Powers.

porting to market the proceeds of their mines and operations, lands and manufactories, and disposing of the same, and may be sued and sue in all Courts of law and equity, and may have and use a common seal, and generally do every other act or things necessary to carry into effect the provisions of this Act, and to promote the objects of said Company, with the privilege of having offices for the transaction of business at such point or points as they may deem necessary.

Capital.

SEC. II. That the capital stock of said Company shall be two hundred and fifty thousand dollars, with the privilege to increase the same to five hundred thousand dollars, divided into such number of shares as shall be provided for and fixed by the laws of the Company.

Shares.

Subscriptions.

SEC. III. That the persons before named, or any three of them, shall be authorized to receive subscriptions to the capital stock of said Company, to determine the amount per share of said stock, and when the subscription shall amount to not less than forty thousand dollars, the stockholders may organize and make by-laws for the government of the Company, and each share of stock shall entitle the holder to one vote.

May organize.

Votes.

Affairs, how managed.

SEC. IV. That the affairs of said Company shall be managed by a President, who shall be a Director, and four Directors to be elected by the stockholders, a majority of which Board shall have the power to appoint and employ all such officers and agents and other employees as they shall deem necessary for the transaction of the business of the Company, to contract, agree for, purchase, rent or hire all such lands, buildings, chattels, materials, rights, privileges and effects whatsoever as they may deem necessary for effecting the objects of the Company, and the same or any part thereof to use or otherwise dispose of.

Officers.

May hold property.

Board of Directors shall have power to call for unpaid balances. Shares when forfeited.

SEC. V. That the Board of Directors, or a majority of them, shall have power to call for payment of installments of any unpaid balances due on the stock, and to provide for the forfeiture and sale of any share or shares thereof in default of payment, after thirty days notice shall have been given, and for the revision of such forfeiture on such terms as they may deem reasonable.

Shares how considered.

SEC. VI. That the shares of said Company shall be considered and held in law as personal property, and may be sold and transferred on the books of said Company, or assigned or bequeathed by the owners thereof.

Special meetings how called.

SEC. VII. That special meetings of the stockholders may be called by a majority of the Directors, or by one or more of the stockholders holding one fourth of the capital stock of the Company.

Liabilities.

SEC. VIII. That each and every stockholder shall be liable individually to the creditors of the Company to the extent of his stock subscribed, for the payment of any and all debts that said Company may incur.

SEC. IX. That said Company shall not organize until the whole

amount of capital stock is subscribed, and shall not commence business until ten per cent. of the same is paid in. When shall organize, when commence business.

SEC. X. That nothing herein contained shall be so construed as to prevent the Legislature from taxing the corporate property of said Company as any other property of the State. Taxation.

SEC. XI. That this Act shall continue in force for thirty years. Duration.

Approved 24th February, 1866.

(No. 199.)

An Act to incorporate the Georgia and Alabama Petroleum Mining and Manufacturing Company.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, M. G. Dobbins, Richard Peters, Daniel S. Printup, William Markham, Henry E. Robinson, Alfred Austell, L. H. Thickstren, James C. Freeman, Robert M. Clarke, N. L. Angier, Geo. S. Cameron, Z. H. Gordon, William O. Winston, A. K. Seago, John Thomas and Charles T. Pollard, and their associates, successors and assigns, be and they are hereby created a body politic and corporate, under the name of "The Georgia and Alabama Petroleum Mining and Manufacturing Company," and by that name may sue and be sued, plead and be impleaded, in any Court of law or equity in this State, and may have and use a common seal. Incorporated. Name. Sue and be sued. Seal.

SEC. II. That the corporators named in the first Section of this Act, to-wit: M. G. Dobbins, Richard Peters, Robert M. Clarke, William Markham, Alfred Austell, N. L. Angier and John Thomas, shall be the Directors for the first year, who shall conduct the affairs of the Company; said Directors shall appoint one of their number President, and may appoint such officers and agents as they may deem proper, and fix their salaries. The Board of Directors shall have power to fill all vacancies therein caused by resignation or otherwise, and shall hold office until their successors are elected and qualified. Directors. President. Officers. Salaries. Vacancies. Term of office.

SEC. III. That the said Company are hereby authorized and empowered to seek, explore and mine for petroleum, oil, coal, iron, and any and all minerals and metallic ores of whatever kind; to work and make up all kinds of cotton and woolen goods and fabrics; to manufacture any of said materials in such manner as the said Company may see fit; for which purpose they may purchase, lease and hold or otherwise acquire any lands, tenements, rights of way, property and machinery, may erect buildings, dams, sluices, may lease or purchase any water and mill privileges, or such other property as may be required. Powers

SEC. IV. That the capital stock of said Company shall be $500,000, divided into shares of not less than $100 each, with the right to increase said stock to any amount not exceeding $1,000,- Capital. Shares.

000; said shares shall be transferable only on the books of the Company, in person or by attorney, by endorsement on the stock certificate and surrender thereof.

May open books of subscription.

Sec. V. That said Company may open books of subscription to their capital stock, at such times and places as may be convenient.

Payment how made.

All payment for dues and assessments on the capital stock shall be made only in lawful funds at such periods and in such sums as the Directors may prescribe from time to time.

Books to be kept.

Sec. VI. That the Directors shall cause books and accounts to be accurately kept of all transactions of the Company, which books

Open to inspection.

and accounts shall at all times be open to the inspection of a majority of the stockholders. The said Company shall in no man-

Limit to liabilities.

ner contract any debt or debts or liability over and above the amount of capital stock actually paid in.

Directors can call in stock subscribed.

Sec. VII. That the Directors shall have, and they are hereby invested with, authority to call on the stockholders from time to time to pay up such portions of their capital stock subscribed to by them, or held or owned by them, as said Directors may see fit;

Proviso.

Provided, thirty days notice be first given to comply with such demands; said notice to be published in some newspaper printed in the county in which the Directors may have located the office for the general business of the Company.

Delinquent stockholders.

Sec. VIII. That no stockholder shall have the right to vote upon any question whatever, nor shall he or they be eligible to the office of Director, or other office, so long as he or they may be delinquent in the payment of any assessments, dues and demands, on all stock subscribed to, held or owned by him or them. No

Transfer of stock.

stock shall be transferred on the books of the Company until all assessments and dues thereon shall be paid up in full. Stockholders who shall not have paid up their assessments and dues according to

Liability.

the terms of subscription, shall be held individually liable to the creditors of the Company to the amount so remaining due and un-

Proviso.

paid; *And Provided*, that notwithstanding the dissolution, extinction, expiration by lapse of time, or *non user* of the charter, or the cessation of said corporation to transact business, that the corporate property of said corporation shall at all times be bound and liable for the payment of the corporate debts or contracts of said corporation; *And Provided*, further, that said corporation shall not organize until the whole capital stock is subscribed, and shall not begin operations until 10 per cent. of the capital stock shall have been paid

Proviso.

in; *And Provided*, further, that nothing herein contained shall be so construed as to prevent the State of Georgia from taxing the

Taxation.

property of said corporation as all other property of this State.

Neglect or refusal to pay up dues after notice forfeiture.

Sec. IX. That neglect or refusal on the part of any stockholder to pay up all called assessments or dues on the capital stock held or owned by him for a period of sixty days after notification thereof by the Company, such neglect or refusal shall operate as a forfeiture of all such stock to said Company, at the option of the Directors. The Directors shall have full power to dispose of any

and all stock which may be delinquent, or on which the assessments or dues are unpaid, at public auction for cash, and on such conditions as they may prescribe in the by-laws of the Company. May dispose of delinquent stock.

Sec. X. That the Directors are authorised to make and establish such by-laws, rules and regulations as they may deem expedient to carry into effect the objects of the Company; *Provided*, they be not inconsistent with the laws of this State or the United States. Said by-laws shall be approved and adopted by a vote representing a majority of the stock on which all assessments and dues are fully paid, and such by-laws shall be altered or amended only by a like vote. By-laws. Proviso. Altered or amended.

Sec. XI. That the stockholders, by a majority vote on the capital stock on which all called assessments have been paid, may authorize the Directors to sell, assign and transfer all the real and personal property, rights, leases and franchises, or any part thereof, belonging to or owned by said Company, on such terms and conditions as they may prescribe, and the proceeds of such sale or sales shall be applied, first, towards the payment of any and all debts which may be due and owing by the Company. May authorize sale of property. Proceeds of sale.

Sec. XII. That the location of the principal office of business for the Company shall be at such place as in the opinion of the Directors may be most convenient and advantageous. Principal office.

Sec. XIII. That this charter shall extend and continue for the term of thirty years from its passage, unless the stockholders by a vote, representing two thirds of the shares of the Company, shall sooner decide to wind up the affairs of the Company, and surreuder the franchise hereby granted. Duration.

Sec. XIV. That the principal place of business of said Company shall be at Atlanta, Georgia. Place of business.

Approved 5th March, 1866.

(No. 200.)

An Act to incorporate the Gordon Mining & Manufacturing Company.

SEC. I. *Be it enacted by the Legislature of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That John B. Gordon, Burgess B. Long, Lucien Peyton. Henry E. Peyton, and Melchior B. Mason; their associates and successors, be, and the same are hereby constituted a corporation, or body corporate and politic, under the name and style of the "Gordon Mining & Manufacturing Company," said corporation to continue in existence to them, their associates and successors, for the period of thirty years, for the purpose and with the powers and privileges as follows, viz: To explore lands for the purpose of mining, to mine and reduce the ores of gold, silver, copper, and all other metals, and to purchase and vend the same. Also, to purchase the raw material of cotton, wool, and iron, and manu- Incorporated. Name. Duration. Objects, powers.

facture and vend the same; to build, purchase, and own stock in such Rail Roads as may be necessary for transporting the material or necessary supplies, or otherwise conducting the business of said Company. Said Company are also hereby authorized to have and use a common seal, and to alter and exchange the same at pleasure, to sue and be sued, to plead and be impleaded in its corporate name, to hold by purchase, lease, rent, or otherwise, and to dispose of the same in any way, any real estate or personal property which may be useful or necessary for carrying on its operations, or of which it may become possessed in payment of debts due to it; also, to make such by-laws, not inconsistent with the Constitution and laws of the State of Georgia, as may seem necessary and proper for its own government, under its corporate name.

Have a common seal. Sue and be sued.

May hold and dispose of real and personal estate.

By-laws.

Capital stock.

SEC. II. That the capital stock of said Company shall be five hundred thousand dollars, with liberty to increase the same as hereinafter provided, to be divided into shares of not less than one hundred dollars each; the amount of capital stock, the number and price of shares shall be fixed and agreed upon by the corporators, at their first meeting under this Act. Nothing but money or mining property shall be regarded as a basis for capital stock. The stocks to be subscribed and paid for as the Board of Directors may prescribe. The stock shall be considered as personal property, and shall be transferred only on the books of the Company in person or by attorney.

Shares.

Stock how subscribed, considered personal property.

SEC. III. That the stockholders not having paid their stocks according to the terms of subscription, shall be individually liable to the creditors of the Company to the amount so remaining unpaid.

Liability of stockholders

SEC. IV. That said Company may, at its pleasure, and in such form, and as the Directors shall elect and declare, increase the capital stock to any amount they may deem advisable, not exceeding eight hundred thousand dollars, and said Directors shall have power to sell, dispose of, or take subscriptions for such increased or additional stock in such manner and form, at such time and place, and on such terms as they may think proper to order and prescribe.

Capital may be increased how.

SEC. V. That the corporators named in the first Section of this Act, or any of their associates who may be chosen or elected at the first meeting of the Company, shall be Directors for the first year; three members of the Company shall constitute a full Board of Directors, and shall hold their places until others are elected and qualified in their stead. The annual meetings of the Company shall be held at such times and places as the Board of Directors may determine from year to year, thirty days notice being given in some newspaper published near the place of business of the time and place of such meeting. At each annual meeting, a Board of Directors shall be chosen for the ensuing year. But in case of failure to elect a Board of Directors, the Charter of the Company shall not be forfeited thereby, but the Directors of the

Directors.

Term of office. Annual meeting when, where.

Notice of.

Failure to elect no forfeiture.

previous year shall continue in office until others are elected in their stead. The Directors shall appoint one of their number President, and shall appoint such other officers as they may deem proper, and affix their salaries. Officers. Salaries.

SEC. VI. That said Company shall not contract any debt over and above the amount of capital stock paid in, no part of which shall be withdrawn, or in any way or manner diverted from the business of the Company without the consent of three-fourths in interest of the stockholders. Limit to indebtedness.

SEC. VII. That said corporation shall not commence business until the capital stock shall have been subscribed, and ten per cent. paid in. When corporation commence business.

SEC. VIII. That the principal office of said corporation shall be located in the town of LaFayette, Walker County, Georgia, until the Board of Directors shall otherwise direct. Principal office.

Approved 10th March, 1866.

(No. 201.)

An Act to incorporate the "Mining, Manufacturing, & Improvement Company."

SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia,* That the owners of the shares herein authorized to be issued, be and they are hereby made a body politic and corporate, and as such, under the name and style of the "Mining, Manufacturing, & Improvemenl Company," may have continual succession, and may have, hold, use, purchase, possess, and acquire, by any lawful means, any property and estate, real or personal, in as full and ample manner as any individual may or might do, and the same may use, lease, let, sell, mortgage, transfer and convey, or otherwise dispose of, and may sue and be sued, plead and be impleaded, contract and be contracted with, and may have and use a common seal, and the same may change at pleasure, and shall have, possess and enjoy, and use and exercise, all the rights, powers, and privileges which may be necessary or proper for them to have, possess, exercise, use, and enjoy, as an incorporated Company, to enable them to open and work their mines, and to manufacture iron and steel, and all other articles whatsoever, as any individual may or might do; and to perform all acts not inconsistent with the laws of this State, or with the rights of others, which may be necessary to develop and make available their property and estate; and may have, use, and exercise, all the rights, powers, and privileges which may be necessary or proper for them to have, use, exercise, possess and enjoy as a Company incorporated for the purpose of mining and manufacturing, and especially to make, construct, own, use, and maintain Rail Roads Incorporated. Name. May hold real and personal property. Sue, be sued, &c. Have a common seal. May have all necessary powers.

May construct Rail Road to communicate with other Rail Roads. Proviso.

connecting their mines and manufactories with any Rail Roads, which connection they may deem necessary or useful for transportation of the products of their mines or manufactories to market; *provided*, That said Company shall first obtain a charter from the General Assembly for such Rail Road or Rail Roads.

Shares.

SEC. II. That the capital stock of the said Company shall consist of shares of ten dollars each, and that W. R. Turman, R. B. Murdock, and J. Blance, are appointed commissioners, with authority to open books of subscription in person or by proxy, at such times and places as they may deem expedient, and that the shareholders may proceed to organize the Company by the election of five or more Directors, when ten thousand shares shall have been subscribed, and the Directors, for the time being, may have and exercise, for and in behalf of the Company, all the rights, powers, and privileges which are herein given, and may from time to time increase their resources by borrowing money, on a pledge of their property, or without such pledge, or by new subscriptions; and the shareholders shall be bound, each for himself or herself, to pay to the said Company, the sums by them respectively owing upon their shares.

Comr's authorized to open books of subscription.

Election of Directors, when may exercise powers.

May increase resources by borrowing.

Stockholders liable.

By-laws may prescribe what.

SEC. III. That the by-laws may prescribe the number of, and the manner in which, the Directors, officers, and agents of the Company shall be appointed and may prescribe the terms of service, powers and duties, and compensation.

Duration.

Reservation.

SEC. IV. That this Act shall take effect and be in force for thirty years from and after its passage, reserving to the General Assembly the right to modify, alter, or amend said Charter.

Liability of stockholders.

SEC. V. That the individual property of each stockholder shall be liable for the debts of said Company, to the amount of stock respectively subscribed by each, and not paid in at the time any suit may be commenced.

When corporation shall commence business.

SEC. VI. That the said corporation shall not organize and commence business until the whole capital stock shall have been subscribed and ten per cent. of the same paid in.

Principal office where.

SEC. VII. That the principal office of business shall be located in Macon, Augusta, or Savannah, as a majority of the Directors may determine.

Approved 7th March, 1866.

(No. 202.)

An Act to incorporate the New Era Mining & Manufacturing Company.

Incorporated.

SEC. I. *Be it enacted by the Senate and House of Representatives of Georgia*, That T. S. Garner, and Frederick H. Smith, and their associates, stockholders, and successors, are hereby constituted a body politic and corporate, under and by the name and style of

the 'New Era Mining & Manufacturing Company,' for the purpose of exploring, mining, and washing for gold, silver, copper, lead, and other metallic ores, minerals, and petroleums, and for smelting, vending, or using the same, or any of the productions thereof, and for dredging, or otherwise excavating, the bottoms of water courses, and washing the earth, and other materials found therein, in search of such metals, ores, or minerals, and petroleum, and for building such vessels and boats and erecting such buildings, machinery, apparatus, and fixtures, and keeping, using, and running the same, as may be found necessary to the successful prosecution of the legitimate objects for which the said Company is incorporated, and by that name shall they sue and be sued, plead and be impleaded, appear, prosecute, and defend, in any Court of Law or Equity whatsoever, in all suits or actions; may have a common seal, and the same alter or renew at pleasure, and may enjoy all other privileges incident to corporate bodies, and may purchase, hold, lease, mortgage, transfer, or convey any personal or real estate, or the right to mine and possess minerals, petroleum, metals, and ores, or real estate held by other parties, or minerals, metals, ores, petroleum, and the productions of the same mined or possessed by other parties.

Name. Objects.

Powers.

SEC. II. That the corporators named in the first section of this Act, shall be the Directors until such time previous to the first day of January, one thousand eight hundred and sixty-seven, as they may call a meeting of stockholders, which meeting shall be the first annual meeting, and shall be for the purpose of electing a Board of Directors for the ensuing year, according to such regulations as they may adopt, and for the purpose of adopting rules and by-laws for the future government of the Company, and shall be held at the office of the said Company in the city of Atlanta, after thirty days notice has been given by publication in a public journal.

Directors.

Meetings to be held in office at Atlanta.

SEC. III. That the corporators named in the first section of this Act shall continue to act as Directors until elections are held as provided for in Section I, hereof, and successors, duly elected, and at no time shall the rights and privileges accorded by this Act be held forfeit by reason of a failure to elect Directors as in Section II provided for, but in all cases of such nature the Directors at such time in office shall continue to serve until their successors are du'y elected.

Term of office.

SEC. IV. That the corporators named in the first Section of this Act, or their successors in the direction of the said Company, shall have power, and are required to appoint from among their number a President, who shall serve as such, subject to rules adopted by the Directors, and whose term of office shall expire with that of the Directors appointing him, and the said Directors shall appoint such agents, secretaries, engineers, or other officers and employees, and establish such rates and terms of compensation as they may deem best.

President.

Officers.

Compensation.

Capital. Shares.

SEC. V. That the capital stock of the said Company shall be one hundred thousand dollars, divided into shares of not less than ten dollars each, which shares shall be subscribed and paid for, as may be prescribed by the Directors, and shall be considered personal property, and transferable only upon affidavit before a Notary Public, notice of the same being given within thirty days to the President, that the same may be entered upon the books of the Company; the capital stock of the said Company may be increased to a sum not exceeding two millions of dollars, by order of the stockholders, and additional shares shall be made to an amount equal in the aggregate to such increase of capital stock, and said shares shall be purchased, held, and transferred, in all respects the same as those of the original capital stock.

Increase held &c., as capital stock.

SEC. VI. That all the stockholders not having paid for their stock in full, according to the terms prescribed for their subscription, shall be individually liable to the creditors of the Company in the amount or amounts so remaining unpaid, and in like manner shall the Directors be individually liable for any amount they may declare and authorize to be paid to the stockholders as dividends, when the Company shall not be able to pay all debts due by it according to contract; *provided*, that such liability may be avoided by any dissenting Director, by causing his protest against such declaration of such dividend to be entered upon the minutes of the meeting by which the act was done, within thirty days after the date of such act.

Liabilities.

Proviso.

Power of Company to divide stock.

SEC. VII. That the said Company may divide their capital stock into such number of parts as may allot one part to each mine or works leased, owned, or otherwise held by said Company, and shall regulate the amount of capital stock thus allotted to such separate mines or works, and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares of said mines or works separately from the operations of the mother Company, but the said Company shall be responsible, in all cases as herein provided for, in amounts equal to the whole amount of capital stock subscribed, for all debts incurring by such separate mines and works, and such divisions of shares, as are in this Section provided for, shall only be effected by the Directors, upon a vote in favor of such division by two-thirds of the stock at such time standing as subscribed, and not forfeited, upon the books of the Company.

Collect, sell, forfeit.

Company responsible.

SEC. VIII. That the corporators named in the first section of this Act, their associates, stockholders, and successors, may transfer, convey, bequeath, or assign, all and singular, separately or collectively, their several rights, titles, privileges, and interests herein to the same granted, the parties to whom the same are conveyed, transferred, bequeathed, or assigned, assuming all liabilities imposed hereby, or that may be hereafter incurred by the said Company, and of force and effect at the period of such transfer, conveyance, assignment, or bequest.

May transfer all rights.

SEC. IX. That the said Company shall not contract debts over and above the amount of capital stock paid in, and that no part of said amount so paid in as prescribed by the Directors, shall be diverted from the business of the Company, without the consent of two-thirds of the stockholders. Company shall not contract debts above amt. of capital. Stock shall not be diverted.

SEC. X. That in all cases where the sense of the stockholder is taken, one share shall be entitled to one vote. Votes.

SEC. XI. That no rule, regulation, or by-law shall be adopted by the said Company that shall not be in accordance with the laws of Georgia, and of the United States of America. By-laws.

SEC. XII. That said Company shall not organize until the whole capital stock is subscribed, nor commence business until ten per cent of the subscribed stock is paid in. When Company shall organize, when commence business.

SEC. XIII. That nothing herein contained shall be so construed as to prevent the State of Georgia from taxing the corporate property of said Company as other property of this State. Taxation.

Approved 8th March, 1866.

(No. 203.)

An Act to incorporate the North Georgia Mining & Manufacturing Company.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same,* That A. G. Peden, C. M. Davis, J. C. Plant, James Dickey, Jeremiah Shepherd, J. R. Tolbert, A. J. Smith, D. D. Peden, and M. B. McMahan, and their associates and assigns shall be, and they are hereby incorporated and made a body politic, by the name and style of the North Georgia Mining and Manufacturing Company, and by that name shall be capable in law of purchasing, leasing, renting, and holding all such property, real and personal, as they may require for the purposes of mining for oil, coal, iron, and other metals and minerals, and manufacturing and transporting the same; and may sue and be sued in all the Courts of Law and Equity, and may have and use a common seal, and generally do every other act necessary to carry into effect the provisions of this Act, with the privilege of having offices at such point or points as they may deem necessary. Incorporated. Name. May hold real and personal estate. Sue and be sued. Have common seal, &c. Offices where.

SEC. II. That the capital stock of said Company shall be two hundred and fifty thousand dollars ($250,000,) with the privilege of increasing the same to five hundred thousand dollars, ($500,000,) divided into such number of shares as shall be provided for and fixed by the by-laws of the Company. Capital. Shares.

SEC. III. That the persons before named, or any three of them, shall be authorized to receive subscriptions to the capital stock of said Company, and to determine the amount per share, and when the subscriptions shall amount to not less than fifty thousand dollars, ($50,000,) the stockholders may organize the Company, and Authorised to receive subscriptions and determine amt. per share.

Stockholders may organize when. Votes.

enact by-laws for the government of the Company, and each share of stock shall entitle the holder to one vote.

Affairs, by whom managed

Sec. IV. That the affairs of said Company shall be managed by a President, who shall be a Director, and four other Directors, to be elected by the stockholders.

Power of Board of Directors to call for unpaid balances and provide for forfeiture of shares.

Sec. V. That the Board of Directors, or a majority of them, shall have power to call for payment of any unpaid balances on the stock, in such installments as they may deem necessary, and to provide for the forfeiture and sale of any share or shares in default of payment, after thirty days notice.

Shares shall be considered personal property.

Sec. VI. That the shares of stock in said Company shall be considered and held in law as personal property, and may be sold and transferred on the books of the Company, or assigned or bequeathed by the owners thereof.

Special meetings of Board may be called.

Sec. VII. That special meetings of the Board of Directors may be called by a majority of the Board, or by any one or more of the stockholders holding one fourth of the capital stock.

Duration.

Sec. VIII. That this Act shall be and continue in force for the term of twenty (20) years from and after the date of its passage.

When Company may be organized, commence business when.

Sec. IX. That said Company shall not organize until the whole capital stock shall have been subscribed, nor commence business until ten per cent. of the capital stock shall have been paid in.

Liability of stockholders.

Sec. X. That the private property of the stockholders shall be liable for the debts of said Company, to the amount of stock they may have subscribed and not paid in, at the time any suit may have commenced against them.

Taxation.

Sec. XI. That nothing herein contained shall be so construed as to prevent the State of Georgia from taxing the corporate property of said Company as other property of this State.

Approved 24th February, 1866.

(No. 204.)

An Act supplementary to an Act to incorporate the North Georgia Mining & Manufacturing Company.

Limitation of capital.

SEC. I. *The General Assembly of the State of Georgia do enact,* That the capital stock of said North Georgia Mining & Manufacturing Company shall be fifty thousand dollars, instead of two hundred and fifty thousand dollars, as prescribed in the second Section of the above recited Act.

SEC. II. Repeals conflicting laws.

Approved 1st March, 1866.

(No. 205.)

An Act to incorporate the Trenton and Lookout Mining, Manufacturing and Petroleum Company.

SECTION I. *The General Assembly of the State of Georgia do enact*, That James Cox, H. L. W. Allison, J. B. Weaver, Robert M. Paris, and such other persons as they may hereafter associate with them, and their successors and assigns, shall be, and they are hereby declared, so soon as they shall organize under this Act, a body corporate and politic under the name and style of "Trenton and Lookout Mining, Manufacturing and Petroleum Company," for the purpose of mining for Iron, Petroleum, Coal, Lead, or other valuable minerals in Dade county, Georgia, or in any other place where they may acquire land, either by purchase or lease, with the privilege of erecting machinery, buildings, roads, &c., for the purpose aforesaid, and in their corporate name have power to sue or be sued, plead or be impleaded in any Court of law or equity in this State having jurisdiction, and may have and use a common seal, and alter the same at pleasure, and may make all by-laws, rules and regulations they may deem proper for the government of said Company, *Provided*, the same are not inconsistent with the Constitution or laws of Georgia, and the Constitution of the United States of America.

Corporators. Style. Purpose. Powers. Provisos.

SEC. II. That said Company, by its corporate name, shall have power to purchase, lease, own, sell, release and convey any property, real and personal, that may be necessary to carry out the purposes of this charter.

May hold real and personal property.

SEC. III. That the capital stock of said Company shall be fifty thousand dollars, which stock may be divided into such number of shares as two thirds of the stockholders may determine at any regular meeting of the stockholders, all stockholders having due notice of the time and place of meeting, and the stockholders of said Company shall be liable *pro rata* for all the debts of said Company to the amount of stock owned by them respectively, but for no greater amount.

Capital. Shares. Liabilities.

SEC. IV. That said Company shall keep an office in or near Trenton, Ga., which shall be considered, for all business purposes, its location.

Location.

SEC. V. That said corporation shall not begin operations until ten (10) per cent of the whole capital stock shall have actually been paid in.

When begin business.

SEC. VI. Repeals conflicting laws.

Approved 21st March, 1866.

II. MEDICAL COLLEGE.

ACT NO. 206. DALTON MEDICAL COLLEGE.

(No. 206.)

An Act to incorporate the Dalton Medical College, and for other purposes therein mentioned.

Corporators.

Powers.

Style.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That Drs. Jesse R. McAfee, Charles P. Gordon, Baxter B. Brown, Samuel W. Fields, Moses Quinn, B. C. Cochran, L. P. Gudger, John K. Osborn, F. A. Rushenburg, Henry W. Renfroe and David Emerson, their associates, successors or assigns, be, and they are hereby constituted a body politic and corporate, with the right to receive donations of real or personal property, and buy or sell the same, to sue or be sued, plead and be impleaded, under the name and style of the Dalton Medical College.

Officers.

By-laws.

Vacancies.

SEC. II. That said corporate body are hereby authorized and empowered to elect all such officers as may be necessary, and pass all such by-laws, rules and regulations as may be necessary to carry into effect the objects of their association, and in case of the death or refusal or failure to act of any member of said Board, the said body corporate, or a majority of them, shall have power to fill such vacancies.

Objects and organization.

SEC. III. That said Board are hereby authorized to establish a Medical College, in the city of Dalton, on such principles and under such rules and regulations, and to select such professors from their own body, or from any of the Medical Colleges of the United States, or from such other places as suitable professors can or may be procured, and as, in their judgment, will be best calculated to perpetuate the same, and to advance and promote the improvement of its pupils in the science of Medicine, Surgery and Medical Jurisprudence.

Meetings of Board.

SEC. IV. That any three, or more, of said Board are hereby authorized to call a meeting of said Board at any time they may think proper, to be held in the city of Dalton, for the purpose of making such by-laws as are necessary for the purpose of transacting any other business that may be necessary to be done for the interest of said Medical College.

Confer degrees, &c.

SEC. V. That the professors, together with any member of the Board of corporators, are hereby authorized and empowered to confer the degree of Doctor of Medicine upon such applicants, in such manner, and at such times, and under such circumstances as may, to the said professors seem fit and proper, and the said professors, with any number of the Board, shall have the power to change the chair of, remove, or fill the vacancy caused by the resignation or otherwise of any member of the Faculty.

Lectures.

SEC. VI. That said professors, and said Board, shall have power to fix the time for commencement and closing of the lectures each year.

SEC. VII. That said professors, or any member of said Board, shall have power to select from their own body, or otherwise, such instructors as may be needed to give lectures, hear recitations from pupils, in all of the sciences of Medicine and Surgery during vacation, for the purpose of advancing students or pupils, so as to thoroughly prepare them for graduation in said Medical College. Instruction in vacation.

SEC. VIII. Repeals conflicting laws.

Approved 21st March, 1866.

XII. RAIL ROAD COMPANIES.

ACT NO. 207. ATLANTA STREET RAILROAD COMPANY.
" " 208. AUGUSTA AND SUMMERVILLE RAILROAD COMPANY.
" " 209. BRUNSWICK AND ALBANY RAILROAD COMPANY.
" " 210. COLUMBUS RAILROAD COMPANY.
" " 211. COOSA AND CHATTOOGA RIVER RAILROAD COMPANY.
" " 212. DALTON AND JACKSONVILLE RAILROAD COMPANY.
" " 213. GEORGIA AND ALABAMA RAILROAD COMPANY.
" " 214. MACON AND AUGUSTA RAILROAD COMPANY.
" " 215. MACON AND WESTERN RAILROAD COMPANY.
" " 216. SAVANNAH CITY RAILWAY COMPANY.

(No. 207.)

An Act to incorporate the Atlanta Street Railroad Company, and for other purposes.

SECTION I. *The General Assembly of the State of Georgia do enact,* That from and after the passage of this Act, George Hillyer, James L. Grant, B. D. Smith, J. B. Campbell, Eben Hillyer, John G. Westmoreland, J. J. Thrasher, J. J. Morrison, W. B. Cox, J. E. Bartlett, William Solomon, W. R. Webster, and such others as they may associate with them, and their successors and assigns, be, and they are hereby declared a body politic and corporate by the name and style of the Atlanta Street Railroad Company, and in, and by that name may sue and be sued, plead and be impleaded in any Court of law or equity in this State, or where their rights may come in question; may have and use a common seal, and the same alter or destroy at pleasure, and purchase, accept, hold, enjoy or convey any property, real, personal, or mixed, that may be necessary for the purposes hereinafter set forth, or which they may acquire in the progress of their business. Corporators. Style. General powers.

SEC. II. That said Company shall have the exclusive power and authority to survey, lay out, construct and equip, use and employ Street Railroads in the city of Atlanta, subject to the approval of the City Council thereof, for each route selected, first had and obtained, before the work thereon shall be commenced; the property of said Company to be subject to the same State, County and City taxes as the property of individuals in said City of like value is, or may be subject to, unless the City Council should, at any time, think fit to exempt the same, either in whole or in part, from the May construct street Railroads. Restrictions, &c.

Proviso. payment of City taxes, *Prorided*, that the rates of fare and freight upon said Railroad shall be subject to the approval of the Mayor and City Council of the City of Atlanta.

Capital stock. SEC. III. That the capital stock of said Company shall be one hundred and fifty thousand, which may be increased to three hundred thousand dollars, should the business of the Company require it, books of subscription for which shall be opened in Atlanta, and at any other point or points which may be deemed advisable, in the United States.

Officers. SEC. IV. That the officers of said Atlanta Street Railroad Company shall be a President, Secretary, and five or more Directors to be chosen at such time and in such manner as the corporators, or a majority of them, may determine, and the said President and Board of Directors shall have full power and authority to establish By-laws, &c. all by-laws, rules and regulations for administering the affairs of said Company, and for carrying on the business, and to do all acts and to give all orders therein which may be necessary, and not inconsistent with the Constitution and laws of this State, or of the United States.

When use steam Engines. SEC. V. That the said Atlanta Street Railroad Company shall not employ any steam engine upon their lines without the consent of the City Council, who, in granting the order allowing the same, shall prescribe the rules to be observed by said Company and by individuals to avoid injury to persons or property by the use of said engines.

Extensions SEC. VI. That the said Atlanta Street Railroad Company may extend any one or more of their lines of road in the county of Fulton, over and beyond the corporate limits of said city, not more than one mile from the present corporate limits, should they see proper so to do, and in that event the damages to the owners of the Damages to lands. strip or strips of land through which said road may run shall be ascertained and settled in the same manner as is prescribed by the charter of the Central Railroad and Banking Company.

Passengers or freight. SEC. VII. That said Atlanta Street Railroad Company may convey upon their lines, either passengers or freight as the exigencies of the business community and public wants may require.

Approved 23rd February, 1866.

(No. 208.)

An Act to incorporate the Augusta and Summerville Rail Road Company.

SECTION I. *The General Assembly of the State of Georgia do enact*, That Jno. P. King, E. W. Cole, Jas. W. Davies, A. R. Wright, Jno. Corporators. Bones, Robert H. May, Wm. C. Jones, Henry F. Russell, Wm. P. Jones, B. H. Warren, Joseph Milligan, Alfred Baker, Henry Moore, Joseph B. Cumming and Benjamin F. Hall, their associates and

successors, be, and they are hereby declared a body politic and corporate by the name and style of the Augusta and Summerville Railroad Company, for the full term of thirty years, and by that name may sue and be sued, plead and be impleaded in any Court of law and equity in this State, or where their rights may come in question; may have and use a common seal, and the same may alter or destroy at pleasure; and purchase, accept, hold, enjoy or convey any property, real, personal, or mixed, that may be necessary for the purposes hereinafter set forth, or which they may require in the progress of their business. Style. Duration. Powers.

SEC. II. The said Company is incorporated for the purpose of building and using, with the consent of the City Council of Augusta, a horse rail-road from the lower market house in the city of Augusta, or such other point as the Directors hereinafter provided for may agree upon, to the United States Arsenal, in the village of Summerville, or to some other point in the county of Richmond, not exceeding three miles from the corporate limits of said city, and to have one or more branches connected with the main stem, and the place of business of said Company shall be in the city of Augusta. Purpose. Place of business.

SEC. III. The capital stock of the Company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, and which may be increased to two hundred thousand dollars. Capital stock. Shares.

SEC. IV. That the officers of said Augusta and Summerville Railroad Company shall be a President, Secretary, and five or more Directors, to be chosen at such time and in such manner as the corporators, or a majority of them may determine, and the said President and Board of Directors shall have full power and authority to establish all by-laws, rules and regulations for administering the affairs of said Company, and for carrying on the business, and to do all acts, and to give all orders therein which may be necessary, and not inconsistent with the Constitution and laws of this State or of the United States. Officers. President, &c. Powers of.

SEC. V. That should the said Augusta and Summerville Railroad Company extend any one or more of their lines of road in the county of Richmond over and beyond the corporate limits of said city, in that event the damages to the owners of the strip or strips of lands through which said road may run shall be ascertained and settled in the same manner as is prescribed by the charter of the Central Railroad and Banking Company. Extension. Damages, how settled.

SEC. VI. That the said Augusta and Summerville Railroad Company may convey upon their lines either passengers or freight as the exigencies of the business community and public wants may require, charging reasonable rates for the same, subject to the approval of the City Council of Augusta. May convey, what.

SEC. VII. That the track of any road or roads which the said corporation may lay in any of the streets of the city of Augusta shall be so laid as not to prevent drays or carriages, or other vehicles from crossing and re-crossing the same. Track, how laid.

SEC. VIII. That said corporation shall pay in at least ten per cent of the capital stock upon the organization of the same, and each stockholder shall be liable in his private property for all debts due by said corporation to the amount of the capital stock subscribed for by him until the same is fully paid in according to his subscription, and shall remain so liable to the extent of his unpaid stock, for all debts contracted while he is such stockholder, unless he shall advertise for sixty days that he has transferred his stock, in which event the liability shall cease, except as to persons notifying him of their claims against said corporation before the expiration of said term of sixty days.

Liabilities.

SEC. IX. Repeals conflicting laws.

Approved 20th March, 1866.

(No. 209.)

An Act to repeal An Act entitled "An Act to legalize the proceedings of the Southern Stockholders of the Brunswick and Florida Railroad Company, to change the name of said Company, and to amend the Act of incorporation, to extend the Charter thereof, and to facilitate the building of said Road," approved the 16th of December, 1861; to change the name of the Brunswick and Florida Railroad Company, to revive the Charter of said Company, and extend the same; and to confer upon the Brunswick and Albany Railroad Company the rights, powers, privileges, and immunities which have been granted to the Macon and Brunswick Railroad Company.

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by authority of the same,* That the Act assented to on the 16th day of December, 1861, entitled "An Act to legalize the proceedings of the Southern Stockholders of the Brunswick and Florida Railroad Company, to change the name of said Company, and to amend the Act of incorporation, to extend the Charter thereof, and to facilitate the building of said road," be, and the same is hereby repealed.

Act of December 16th, 1861, repealed.

SEC. II. That the original Charter of the Brunswick and Florida Railroad Company, granted by Act of the Legislature, passed in December, 1835, and all Acts amendatory thereof, and not repealed by this Act, be, and the same are hereby revived and declared to be in full force, virtue and effect.

Charter revived.

SEC. III. That the name of the Brunswick and Florida Railroad Company be, and the same is hereby changed to that of the Brunswick and Albany Railroad Company, and that under such name said Company shall be entitled to all and singular the rights, privileges, grants, powers and immunities conferred by the original Charter, and the Acts amendatory thereof, not repealed by this Act, upon the Brunswick and Florida Railroad Company.

Name changed.

Powers.

SEC. IV. That the Stockholders of the Brunswick and Florida Railroad Company shall be subject to all and singular the duties and obligations created and imposed by the original Charter of said Company, and by the laws amendatory thereof not repealed by this Act. Subject to all duties.

SEC. V. That the Brunswick and Albany Railroad Company and the Macon and Brunswick Railroad Company shall have power to unite in the prosecution of any of the works of internal improvement authorized to be done by either of the Charters of said Companies, whenever the respective Companies may deem such union essential to its speedy accomplishment, and can settle upon such plan of union as will be satisfactory to both Boards of Directors. May unite with other Road.

SEC. VI. That nothing contained in this Act shall be construed into annulling or repealing the amendments of the charter of the said Brunswick and Albany Railroad Company, assented to April 7th, 1863, and that all laws in conflict with and repugnant to this Act be and the same are hereby repealed. Amendments to Act of April 7th, '63 confirmed.

Approved 13th March, 1866.

(No. 210.)

An Act to incorporate the Columbus Rail Road Company, and for other purposes.

SEC. I. *The General Assembly of the State of Georgia do enact*, That from and after the passage of this act, L. G. Bowers, W. M. Moses, J. R. Ivey, W. W. Gerrard, R. B. Murdock, W. R. Turman, and their associates and successors, be, and they are hereby declared a body politic and corporate, by the name and style of the Columbus Ratl Road Company, and in, and by that name may sue, and be sued, plead and be impleaded, in any Court of law or equity in this State, or where their rights may come in question, may have, and use a common seal, and the same to alter or destroy at pleasure, and purchase, accept, hold, enjoy or convey, any property, real, personal or mixed, that may be necessary, for the purposes hereinafter set forth, or which they may require, in the progress of their business. And that the place of business of said company shall be located in the city of Columbus. Corporators. Style. Powers. Place of business.

SEC. II. That said company shall have exclusive power and authority to survey, lay out, construct and equip, use and employ, Street Rail Roads, in the city of Columbus; the property of said company to be subject to the same State, county, and city taxes, as the property of individuals, in said city, of like value, is, or may be subject to, unless the same shall be exempted from taxation by the State, county, or city authorities. respectively. Exclusive powers to construct Street Railroads in city. Taxation.

SEC. III. That the capital stock shall be divided into twenty-five hundred shares of stock, of twenty dollars each, which may be increased from time to time, by a vote of a majority of the Stockholders, not to exceed two hundred thousand dollars. Capital stock. Shares.

Officers.

SEC. IV. That the officers of said Columbus Street Rail Road Company, shall be a President, Secretary, and five or more Directors, to be chosen at such time and in such manner, as the corporators, or a majority of them, may determine; and the said President and Board of Directors, shall have full power and authority to establish all by-laws, rules, and regulations, for administering the affairs of said company, and for carrying on the business, and to do all acts, and to give all orders therein, which may be necessary, and not inconsistent with the Constitution and laws of this State, or of the United States.

President, &c. Powers of.

Company shall not employ steam Engine without consent.

SEC. V. That the said Columbus Street Rail Road Company, shall not employ any steam engine upon their lines, without the consent of the City Council of Columbus, who, in granting the order allowing the same, shall prescribe the rules to be observed by said company, and by individuals, to avoid injury to persons and property, by the use of said engines.

May extend lines of road.

SEC. VI. That the said Columbus Street Rail Road Company may extend any one or more of their lines of road, in the county of Muscogee, over and beyond the corporate limits of said city, not more than one mile from the present corporate limits, should they see proper so to do, and in that event the damages to the owners of the strip or strips of land, through which said road may run, shall be ascertained and settled, in the same manner as is prescribed by the charter of the Central Rail Road and Banking Company.

Damages, how settled.

May convey, what.

SEC. VII. That said Columbus Street Rail Road Company may convey upon their lines, either passengers or freight, as the exigencies of the business community and public wants may require, charging reasonable rates for the same, subject to the approval of the Mayor and Aldermen, of said city.

Track, how laid.

SEC. VIII. That the track of any road or roads which the said corporation may lay, in any of the streets of the city of Columbus, shall be so laid as not to prevent drays or carriages, or other vehicles, from crossing and re-crossing the same.

Liabilities.

SEC. IX. That said corporation shall pay in at least ten per cent of the capital stock upon the organization of the same, and each Stockholder shall be liable in his private property, for all debts due by said corporation, to the amount of the capital stock subscribed for by him, until the same is fully paid in, according to his subscription, and shall remain so liable to the extent of his unpaid stock, for all debts contracted, while he is such Stockholder, unless he shall advertise for sixty days, that he has transferred his stock, in which event, his liabilities shall cease, except as to persons notifying him of their claims against said corporation, before the expiration of said term of sixty days.

Duration.

SEC. X. That this charter shall continue in force for thirty years.

SEC. XI. Repeals conflicting laws.

Approved 9th March, 1866.

(No. 211.)

An Act to alter and amend an Act, entitled an Act to incorporate the Coosa and Chattooga River Rail Road Company, and for other purposes, mentioned in the title of said Act.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That the time mentioned in the 2nd section of said Act, for the finishing and completion of said Rail Road, be extended to ten years, from the date of this Act; *Provided,* That nothing herein contained, shall be so construed as to affect in any way, the liability of the Stockholders or subscribers, to said road. Time extended. Proviso.

SEC. II. Repeals conflicting laws.

Approved 10th March, 1866.

(No. 212.)

An Act to amend the charter of the Dalton and Jacksonville Rail Road Company, and Acts passed in relation to the same.

SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met,* That the Acts, and part of an Act of the General Assembly of this State, hereinafter designated, that is to say, an Act entitled an Act to construct and build a Rail Road from the city of Dalton, in Whitfield county, to some fit and eligible point on the Alabama line, on the most practicable route from Dalton to Gadsden, on the Coosa River, "approved February 18th, 1854, and the Act entitled "an Act to alter and change the second section of an Act incorporating the Dalton and Gadsden Rail Road Company, approved February 25th, 1856", and the fourteenth (14th) section of the Act entitled "an Act to incorporate the Middle Georgia Telegraph Company"; also, to change the name of the "Dalton and Gadsden Rail Road Company, and for other purposes, approved December 19th, 1859", and the Act entitled "an Act authorizing the Dalton and Jacksonville Rail Road Company to extend their Road to the North Carolina line, and to unite and be consolidated with other Rail Road companies in Georgia, North Carolina, and Alabama, and to authorize the said company, and the Georgia and Alabama Rail Road company to consolidate, approved December 19th, 1860", be, and the same are hereby amended as a whole, as hereinafter enacted. Acts amended.

SEC. II. That the act of the Company incorporated by, and organized under the Act herein first above mentioned, in changing their name from the Dalton and Gadsden Rail Road Company, to that of the Dalton & Jacksonville Railroad Company under authority of the fourteenth section of the above mentioned Act, "approved Dec'r 19th. 1859"; and all lawful acts of said company, performed under the last mentioned, as well as the first mentioned name and title, be, and the same are hereby ratified and confirmed; and all All lawful acts ratified;

Laws applicable.

laws and parts of laws applicable to said company, under either of said names and titles, shall be applicable to said company, under its present title of the Dalton and Jacksonville Rail Road company.

SEC. III. That, whereas, the business and operations of said company have been interfered with, and prevented, by events of the late war, in which the country has been involved, among other things, rendering it impracticable for the Stockholders to assemble to elect their Directors, at the usual periods, the said company shall have the power and right to assemble in Convention, at such time and place as the existing Board of Directors, or a majority of persons acting as Directors under previous election, for want of successors, shall appoint and designate; and that the Stockholders of said company, may have notice when and where to assemble, the said Board of Directors, or a majority of the persons acting as Directors as aforesaid, shall be, and they are hereby authorized and empowered to give notice, by advertisement, for three consecutive weeks, in such newspaper or papers, as they may deem proper, of the time and place to be appointed for the assembling of said Stockholders, to elect a new Board of Directors of said company; and for the transaction of such other lawful business as said Stockholders in Convention may deem proper; and the Directors who may then be elected, and all subsequent Boards of Directors to be elected, and the President, when elected as authorized, shall hold their respective offices for one year, from the time of election, or for a longer, or shorter period, as the case may be, until the election of their successors.

Right to assemble in Convention.

To give notice.

Term of office.

SEC. IV. That it shall be lawful for the Stockholders of said company, when assembled in Convention, as provided in the last preceding section of this Act, and they shall have power to examine and review all the acts of their President and Directors, or of those acting as such, since the period of the last preceding election of Directors by said Stockholders; and all acts of the said President and Directors, or persons acting as such, within the period specified, touching the business and affairs of said Company, and not contrary to law, which shall be ratified and approved by said Stockholders in Convention, shall be valid and binding on said company, as acts of the same.

Power to examine all acts, if ratified binding.

SEC. V. That the said Dalton and Jacksonville Rail Road Company shall have power, by their Stockholders acting in Convention, or by their Board of Directors, to increase the capital stock of said company to such an amount as may be deemed proper, not exceeding the cost of constructing and equipping their said Road; and may also fix the par value of the shares of stock at one hundred dollars each, or any less sum; and said Board of Directors shall have power to receive additional subscriptions to the capital stock of said company, for such amounts, (not exceeding the limits above mentioned.) and on such terms and conditions, as they may agree and designate.

Power to increase capital.

Shares.

SEC. VI. That said Company, acting by their Board of Directors, shall have power to borrow such sum or sums of money as may be required for the construction and equipment of said Road, and to contract for all materials and labor required for the same, and to issue bonds of the company in such proper form, and with such lawful terms and conditions as the said Board of Directors may prescribe; and may sell and dispose of said bonds in such amounts as the necessities of said company, in the construction and equipment of said Road may require, and to secure and provide for the payment of said bonds, or any other lawful contract or obligation of said company; the company, acting by their Board of Directors, shall have power to give a lien or lease, by mortgage or deed, or deeds of trust, in such proper form and with such lawful terms and conditions as the said Board of Directors may prescribe, on the Rail Road of said company, as constructed and to be constructed, and on all the other property and rights possessed, and to be possessed, by said company, including their franchise, or on such portion thereof, as the said Board of Directors may deem proper; and all acts of said company, by, and through their said Board of Directors, done in conformity with the provisions of this Act, or of the Acts or parts of Acts, of which this Act is amendatory, shall be valid and binding on said company. Powers.

SEC. VII. That it shall require a majority of the Directors of said company, including the President, or the President *pro tem*, to constitute a Quorum of the Board, or a Board to transact business, to bind the company; and the Directors of the company, or a majority of them, shall have power to appoint any member of the Board, or any Stockholder of said company, President *pro tem*, in the absence of the regular President, and such President *pro tem* shall be competent to discharge all duties, and perform all acts, in the absence of the regular President, which the latter officer, if President, could perform. It shall be the duty of the Board of Directors to appoint the time and place of all conventions of the Stockholders of the company, for the election of Directors in each year; and they shall have power to convene the Stockholders, whenever in their judgment a convention of the Stockholders may be necessary; of the time and place of which conventions, the Board of Directors shall cause notice to be given, by publication in such newspaper or papers, as they may designate, at least twenty days prior to the time appointed for the respective conventions. The Board of Directors of said company shall have power to perform, on behalf of the company, all acts authorized to be done by the company, unless otherwise expressly provided in this Act, or the Acts of which this is amendatory, and unless otherwise provided by the Stockholders acting in convention, who shall have power to limit, by resolution, the powers of the Board of Directors, when their powers are not expressly given and defined by this Act, or the Acts aforesaid.

Quorum. President pro tem. Duty of board of Directors. Power to convene Stockholders. Notice to be given. May perform all acts authorized.

SEC. VIII. That the said company shall have power, and they

May unite with other roads.

are hereby authorized and empowered, to unite and consolidate their stock, and road, and franchise, with the stock, road, and franchise, of the Georgia and Alabama Rail Road company, and any other Rail Road company of this, or any adjacent State, on such terms and to such extent, as may be agreed on, by, and with the company or companies, entering into agreement with them.

Acts repealed and in force.

SEC. IX. That all Acts and parts of Acts in conflict with this Act, be, and the same are hereby repealed; but the Acts herein referred to, and all other Acts so far as not in conflict with the provisions of this Act, shall remain in full force.

Approved 23rd February, 1866.

(No. 213.)

An Act to amend an Act entitled an Act to incorporate the "Georgia and Alabama Rail Road Company", and to grant certain powers and privileges to the same, and for other purposes, approved February 18th, 1854.

Act of February 18th, 1854, amended.

SEC. I. *Be it enacted, by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by authority of the same,* That the Act of the Legislature of this State, incorporating the Georgia and Alabama Rail Road company, referred to and specified in the caption of this Act, be, and the same is altered and amended, as hereinafter set forth and enacted, that is to say:

Power to change time of election.

SEC. II. That the said company, acting by their Board of Directors, shall have power to change the time for the election of Directors and President of the company, from the first Monday of May in each year, to such other time in each year as said Board of Directors shall designate; *Provided*, That said Board shall cause notice of the time and place of all conventions, for the election of Directors, to be given by publication in such newspaper or papers within this State, as the said Board of Directors may direct, thirty days prior to the time appointed for the convention. After the election of Directors, they will proceed to elect a President from their own body, at such time as they may deem fit. The Directors, to be chosen by the Stockholders, and the President shall hold their respective offices for one year, from the election of Directors by the Stockholders, or for a longer or shorter period, until the election of their successors. *And whereas*, the business and operations of said company have been interfered with, and prevented, so as to render elections of Directors at the regular periods impracticable, by the events of the late war, in which the country has been involved, the said company shall have the right to elect a new Board of Directors and President, at such time and place as may be designated by the present Board of Directors, or by a majority of the persons last elected, and now holding, for want

Proviso.

President.

Term of office.

Right to elect new Board of Directors and President.

of successors, the office of Directors of said company, who shall cause notice of the time and place to be designated for the assembling of the Stockholders, to elect such Directors and to transact such other lawful business, as said Stockholders in convention may desire to transact, to be given by advertisement, to be published in the newspapers then being published in the City of Rome, in this State, thirty days prior to the time to be appointed for such convention. In all conventions of the Stockholders of said company, it shall require a representation of a majority of the shares of stock, in the company, to constitute a quorum for the transaction of business, to be binding on the company, which representation shall be by the respective Stockholders in person, or by agent or proxy, of the person or persons entitled to representation, duly appointed in writing. The stock of deceased Stockholders may be represented by the executors and administrators of the deceased Stockholder; and of minors and persons *non compos mentis*, by their respective guardians, or by persons to be appointed for that purpose, in writing, by such executors, or administrators, or guardians.

Notice required.

Where published.

Certain stock how represented.

SEC. III. That it shall require a majority of the Directors of the company, including the President, or President *pro tem*, to constitute a Board for the transaction of business, to be obligatory on the company. The Directors, or a majority of them, shall have power to form a Board for the transaction of business, at all times, in the absence of the regular President, by the selection of one of their number as President *pro tem*; and the President *pro tem* shall have power to perform all acts, in the absence of the President, which the latter would be competent to perform if present. In case of vacancy in the offices of President or Director, from any cause, between the times of the regular elections, the Board of Directors shall have power to fill such vacancy, or vacancies, by the election of such Stockholder of the company as they may deem proper. And the Board of Directors shall have power to call a convention of the Stockholders, for the transaction of business, whenever in their judgment, it shall be proper to do so; but in every such case, shall cause notice of the time and place of the convention, to be given, by publication in such newspaper or papers, as they may deem sufficient for the notification of the Stockholders, thirty days prior to the time to be appointed for such conventions.

Quorum.

President pro tem.

Vacancies.

Power to call a Convention.

Notice of.

SEC. IV. That to remove doubts supposed to exist, in relation to the power of said company, to issue bonds, and secure the same by giving liens on their property, the said company acting by their Board of Directors, shall have power to issue their bonds in such form and for such amounts, as may be deemed necessary in providing means for the completion and equipment of the Rail Road authorized to be constructed by them; and to make such contracts, and such obligations, as may be deemed proper, in the procurement of iron, or other materials, and work and labor, required in the construction of said Rail Road; and to secure and provide for the payment of such bonds, or contracts, or obligations, shall have

Power to issue bonds, make contracts, &c.

power to create liens, by mortgages, or deeds of trust, to be executed by, and on behalf of said company, in such proper manner, and with such lawful terms and conditions, as said Board of Directors may prescribe, covering the Rail Road of said company as constructed, and to be constructed, and including all other property and rights possessed and to be possessed by said company, or such portions thereof as the said Board of Directors may deem proper.

Liabilities.

SEC. V. That the private property of the Stockholders shall be bound for the debts of said company, which the company may fail to pay, in proportion to the amount of stock owned by each Stockholder respectively, to the amount but not exceeding the amount of the stock owned by the stockholders respectively, so as to make the property of each Stockholder bound for an amount, equal to the amount of his, or her stock, in said company.

May unite with other Companies.

SEC. VI. That said company shall be, and they are hereby authorized and empowered, acting by their Board of Directors, to unite and consolidate their road, and stock, and franchise, with the road, and stock, and franchise, of the Dalton and Jacksonville Rail Road company, and any other Rail Road company, of this or any adjacent State, to such extent, and on such terms, as may be agreed on, by, and with the company or companies, entering into agreement with them.

Power to increase capital.

SEC. VII. That the said Georgia and Alabama Rail Road company shall have power (acting by their Board of Directors, or by the Stockholders in convention,) to increase their capital stock to such amount as may be deemed proper, not exceeding the cost of constructing and equipping their Rail Road; and the said Board of Directors shall have power to receive such additional subscriptions to the capital stock of the company, within the limit prescribed, as they may deem advisable; and on such terms and conditions as they shall prescribe, and as may be agreed on, with the party or parties taking the stock.

Defaulters.

SEC. VIII. That the said company shall have power, acting by their Board of Directors, to declare forfeited, and thereby cause to be forfeited, the stock and subscription to stock of the company of any stockholder, or subscriber to stock, who shall have failed to pay up the installments called for, and due, on his, or her, or their subscriptions, unless such stockholder, or subscriber to stock shall, within a period to be specified in the notification hereinafter directed, not less than sixty days from and after the publication of notice, pay up the amounts due, and in arrears, on the installments on subscriptions to stock which shall have been called for; *Provided*, That before declaring and causing any such forfeiture, the said Board of Directors shall cause public notice of their intention to do so, to be given by publication, setting forth the names of the party or parties, whose stock or subscription it may be proposed to declare forfeited; and specifying the time within which such defaulters may come and pay up arrearages; which publication shall

Proviso.

be made for four consecutive weeks, in the newspapers then being published in the city of Rome, in this State.

SEC. IX. Repeals conflicting laws.

Approved 14th February, 1866.

(No. 214.)

An Act to change the name of the Milledgeville Rail Road Company, and for other purposes.

SEC. I. *The General Assembly of the State of Georgta do enact, as follows:* That the name of the Milledgeville Rail Road company, be, and the same is hereby changed to the name of the Macon and Augusta Rail Road company, with the approval of its President and Board of Directors, and that all the rights, powers, immunities, and franchises, of the former, shall be continued to the latter. Name changed.

SEC. II. This Act shall be in force from its passage, and all conflicting laws are hereby repealed.

Approved 23rd February, 1866.

(No. 215.)

An Act to repeal an Act, entitled an Act to amend the charter of the Macon and Western Rail Road, assented to, December 14th, 1863, and also, an Act entitled an Act, to amend an Act to amend the charter of the Macon and Western Rail Road Company, assented to December 14th, 1863, assented to March 19th, 1864.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That the above recited Acts. be, and the same are hereby repealed.

SEC. II. That this Act shall take effect from, and immediately after its passage. Acts repealed.

SEC. III. Repeals conflicting laws.

Approved 20th February 1866.

(No. 216.)

An Act to incorporate a Company for the purpose of laying down Carriage Railways in certain streets in the City of Savannah, for operating the same under a grant or ordinance of City Council of said City, and for other purposes.

SEC. I. *The Legislature of the State of Georgia do hereby enact,* That the grant or ordinance, given, or intended to be given, by the City of Savannah, in the State of Georgia, passed the 14th day of June, A. D., 1865, to William Ebbitt, John Condit Smith, Charles B. Phillips, their associates, executors, administrators and assigns, to lay, construct, and operate Carriage Railways in said city, in Bay street and extensions; Indian or Mill street, to the present and future corporate limits of said City; also, in South-Broad street, with connections on West Broad street; Willliam or New street to the Canal; East Broad street, and Thunderbolt road to the present and City Ordinance passed the 14th day of June, A. D. 1865, made valid.

future corporate limits of said City; and such other streets or avenues, as are mentioned in said ordinance; and all powers, privileges, liberties and rights, granted or conferred by such ordinance, or grant, or intended to be conferred thereby, or that may hereafter be granted or conferred, by said city, to said parties, associates or successors, are notwithstanding irregularities, hereby confirmed and made valid and effectual in law, in the said Charles B. Phillips, John Condit Smith, John Phillips, William Ebbitt, and George B. Armstrong, William L. Church, A. W. Arrington, Solomon Cohen and George W. Wylly, or assigns, having, or being entitled to, such grant, permission, right, powers, privileges, and liberty, granted as aforesaid, and the said persons or their assigns, as aforesaid, are hereby authorized and empowered, to lay, construct, and operate, or run Railways, upon and through the streets, avenues, or places, in said ordinance or agreement mentioned, or that may hereafter be granted by said city, together with the necessary turnouts and switches, for the proper working of said Railways; *Provided*, That, before the work of constructing said Railway shall be commenced, the said ordinance or agreement, shall be confirmed, or a new ordinance passed, by the Mayor and Aldermen of said City.

Proviso.

SEC. II. That said Charles B. Phillips, John Condit Smith, John Phillips, William Ebbitt, George B. Armstrong, William L. Church, A. W. Arrington, and their successors, be, and they are hereby created a body corporate and politic, by the name of the Savannah City Railway Company, with all the powers and authority incident to corporations, for the purposes mentioned in said ordinance aforesaid. Said corporation shall not be liable for the loss of any baggage carried on said Railways, kept in and under the care of its owner, his servant or agent.

Corporators.

Name.

Loss of baggage.

SEC. III. The capital stock of said corporation shall be three hundred thousand dollars, and may be increased from time to time, at the pleasure of said corporation; such increase of stock not to exceed five hundred thousand dollars; said stock shall be divided into shares of one hundred dollars each, and be issued and transferable in such a manner, and upon such conditions, as the President and Directors of said corporation may determine; said corporation shall have the right to issue bonds to the amount of two hundred thousand dollars.

Capital.

Limit.

Shares.

Right to issue bonds.

SEC. IV. All the corporate powers of said corporation shall be vested in, and exercised by a Board of Directors, and such officers and agents as said Board shall appoint. The first Board of Directors shall consist of said Charles B. Phillips, John Condit Smith, John Phillips, George B. Armstrong, W. L. Church, A. W. Arrington, and Mayor of Savannah, *ex officio*, and thereafter, of not less than three, nor more than seven stockholders, who may be chosen each, and every year, by the Stockholders; each share of one hundred dollars being entitled to a vote, at such time, and in such manner, as the said corporation shall, by its laws, prescribe. The

Corporate powers, where vested.

Board of Directors.

Votes.

said Directors shall hold their offices until their successors are elected and qualified; and they may fill any vacancy which may happen, in the Board of Directors, by death, resignation, or otherwise; they may also adopt such by-laws, rules and regulations, for the government of said corporation, and the management of its affairs and business, as they may think proper, not inconsistent with the laws of this State; all their acts shall be subject to the approbation of the President of said corporation.

Vacancies.

By-laws, &c.

All acts subject to approbation.

SEC. V. The said corporation is hereby authorized, with the assent of the Justices of the Inferior Court of the county, to lay down and operate said Railways, in, upon, or over and along, any common highway, in said county, to any cemetery, or public places of resort, belonging to said city, but in such a way and manner as not to obstruct common travel over the same. In all cases where vehicles meet, or overtake the cars or carriages of said railways, either in the city or county, said vehicles shall give way to the cars, or carriages of said railways. Said corporation shall have the right to carry such baggage as may be offered. The charges for freight, baggage or passage, to be always subject to the approval of the City Council of Savannah; and the rate of speed at which said cars may run, through said streets, to be fixed by such regulations as the said Council may prescribe.

Authorized to operate, where.

Vehicles shall give way to cars.

Right to carry baggage, &c.

Rate of speed.

SEC. VI. That this charter shall have no force or effect until the subject shall have been referred to the legal voters of said city of Savannah, and county of Chatham, and be affirmatively endorsed by a majority of said legal voters.

When charters shall take effect.

SEC. VII. This act to take effect and be in force, from and after its passage, and all acts and parts of acts, inconsistent with the provisions of this Act, are hereby repealed, and declared to be inoperative, so far as the same are applicable to this Act.

Acts repealed.

Approved 21st March, 1866.

(No. 217.)

XIII. SHELL ROAD.

ACT NO. 217.—SKIDAWAY SHELL ROAD COMPANY.

An Act to amend "an Act to incorporate the Skidaway Shell Road Company, and for other purposes therein named", assented to December 22nd, 1857.

SECTION I. *The General Assembly of the State of Georgia do enact,* That the fifth section of the Act of incorporation of the "Skidaway Shell Road Company", passed December 22d, 1857, be, and the same is hereby amended, so that it shall and may be lawful, for said corporation to build and construct two branches, to, and from the road authorized by said Act; the one from the road of said corporation to Bonaventure, in Chatham county, over and upon, the

Fifth section of Act of December 23rd, 1865, amended.

Branch roads authorized.

highway leading from said Shell Road to Bonaventure; and the other, from the road of said corporation, to Thunderbolt, in said county of Chatham, over and upon the highway leading from said Shellroad to Thunderbolt, or by diverging therefrom in either branch, upon obtaining the consent of the Inferior Court of Chatham county, and of the board of commissioners of public roads for said county.

Original Act to apply to.

SEC. II. That each and every section of said original Act shall apply to said two branch roads, the same as to the road originally authorized by said Act.

SEC. III. Repeals conflicting laws.

Approved 23rd February, 1866.

(No. 218.)

XIV. STEAMBOAT.

ACT NO. 218.—OOSTANAULA STEAMBOAT COMPANY.
" " 219.—OOSTANAULA STEAMBOAT COMPANY.
" " 220.—SAVANNAH STEAMBOAT COMPANY.

An Act to incorporate the Oostanaula Steamboat Company, with powers of Insurance.

Preamble.

WHEREAS, It is of vital importance to the agricultural and mercantile interests of this State, to encourage the introduction and use of Steamboats, on our many navigable rivers;

Corporators.

SECTION I. *The General Assembly of the State of Georgia do enact*, That S. B. Smith, A. G. Pitner, J. J. Cohen, Samuel Gibbons, Thomas Perry, J. R. Stevens, J. D. McDowell, and their associates and successors, be, and they are hereby constituted a body politic and corporate, by the name and style of the Oostanaula Steamboat company, and by that name and style may sue, and be sued, plead and be impleaded, in any Court of law or equity; may have and use a common seal, and break, alter or renew the same at pleasure; may make such by-laws, rules and regulations, as the Stockholders and Directors may deem necessary, or expedient; *Provided*, The same be not contrary to the laws of this State, or of the United States; and may hold, purchase, receive, retain, enjoy, sell and transfer, real and personal property of such description as the necessity of their business may require.

Style.

Powers.

Proviso.

May hold real and personal estate.

Capital.

SEC. II. The capital stock of said company shall consist of one hundred shares, of one hundred dollars each, which, by a vote of a majority of the Stockholders, at any meeting regularly called for that purpose, may be, from time to time, increased, by the creation of new stock, of one hundred dollars per share, as said stockholders may find it expedient, *provided*, that the whole amount of capital stock shall never exceed the sum of one hundred thousand dollars.

Proviso.

SEC. III. The said company shall be authorized, by Steamboats of any description, and by other boats or vessels, as they may find it convenient, to navigate, for the transportation of freight or passengers, or both, the Oostanaula, Etowah or Coosa rivers, in common with other companies, and private individuals; and they shall also be authorized to insure against loss or damage, by fire, or by any and all risks, whether by seas or inland navigation, of such goods, wares and merchandise, as may be shipped on said boats or vessels. Authorized to navigate certain rivers and insure against loss.

SEC. IV. The business of said company shall be conducted by a President and five Directors, to be chosen annually by the Stockholders, at such time as may be fixed, when the company is organized, but no person shall be qualified to be elected as President or Director, who does not own at least five shares of the capital stock of said company; and three of the Directors so chosen, shall constitute a quorum, for the transaction of business; and if the President or any Director shall cease to be such, the Board shall fill the vacancy from the Stockholders duly qualified, until the next regular election. Business how conducted. Qualifications of President and Directors. Quorum. Vacancies.

SEC. V. At the annual election for President and Directors, each stockholder shall be entitled to one vote for each share of stock owned and held by him, and may cast the same by proxy, or agent duly authorized. Votes.

SEC. VI. The stock of the company may be transferred on the books of the company, and in no other mode whatever, by the stockholders or their legal representatives, in such manner as the regulations of the Board of Directors may prescribe. Stock, how transferred.

SEC. VII. The President shall have the power of appointing all the other officers of said company. Officers.

SEC. VIII. That each Stockholder in said corporation, shall be held jointly and severally liable, for the debts of said incorporation. Liabilities.

Approved 5th March, 1866.

(No. 219.)

An Act to incorporate the Oostanaula Steamboat Company with powers of Insurance.

WHEREAS, It is of vital importance to the agricultural and mercantile interests of this State to encourage the introduction and use of Steamboats on our many navigable rivers: Preamble.

SECTION I. *The General Assembly of the State of Georgia do enact,* That S. P. Smith, A. G. Pitner, J. J. Cohen, Samuel Gibbons, Thomas Berry, J. R. Stevens, J. D. McDowell, and their associates and successors, be, and they are hereby constituted a body politic and corporate, by the name and style of the Oostanaula Steamboat Company, and by that name and style may sue and be sued, plead and be impleaded in any Court of law or equity; may have and use a common seal, and break, alter or renew the same at pleasure; Corporators. Name. General powers.

may make such by-laws, rules and regulations as the Stockholders and Directors may deem necessary or expedient, *Provided*, the same be not contrary to the laws of this State, or to the United States, and may hold purchase, receive, retain, enjoy, sell and transfer real and personal property of such description as the necessity of their business may require.

Capital stock.

SEC. II. The capital stock of said Company shall consist of one hundred shares, of one hundred dollars each, which by a vote of a majority of the Stockholders at any meeting regularly called for that purpose may be, from time to time, increased by the creation of new stock of one hundred dollars per share, as said Stockholders may find it expedient, *Provided*, that the whole amount of capital stock shall never exceed the sum of one hundred thousand dollars.

Liability of Stockholders.

Stockholders shall be liable, jointly and severally, for the debts due by said corporation while they are members thereof.

May navigate certain rivers.

SEC. III. The said Company shall be authorized to buy Steamboats of any description, and buy other boats or vessels as they may find it convenient, to navigate for transportation of freight or passengers, or both, the Oostanaula, Etowah or Coosa rivers, in common with other companies and private individuals, and they shall also be authorized to insure against loss or damage by fire or by any and all risks, whether by seas or inland navigation, of such goods, wares and merchandise as may be shipped on said boats or vessels.

May insure freights.

President and Directors.

SEC. IV. The business of said Company shall be conducted by a President and five Directors, to be chosen annually by the Stockholders at such time as may be fixed, when the Company is organized, but no person shall be qualified to be elected as President or Director who does not own at least five shares of the capital stock of said Company, and three of the Directors so chosen shall constitute a quorum for the transaction of business, and if the President or any Director shall cease to be such, the Board shall fill the vacancy from the Stockholders duly qualified until the next regular election.

Vacancies.

Shares and votes.

SEC. V. At the annual election for President and Directors each Stockholder shall be entitled to one vote for each share of stock owned and held by him, and may cast the same by proxy or agent duly authorized.

SEC. VI. The stock of the Company may be transferred on the books of the Company, and in no other mode whatever, by the Stockholders or their legal representatives, in such manner as the regulations of the Board of Directors may prescribe.

Transfer of stock.

Appointment of officers.

SEC. VII. The President shall have the power of appointing all the other officers of said Company.

Approved 12th March, 1866.

(No. 220.)

An Act to incorporate the Savannah Steamboat Company with powers of Insurance.

WHEREAS, It is of vital importance to the agricultural and mercantile interests of this State to encourage the introduction and use of Steamboats on our many navigable rivers, *And Whereas*, certain persons now engaged in successfully navigating the Savannah, Altamaha and Ocmulgee rivers, for the better carrying on of said business desire to be incorporated: Preamble.

SECTION I. *The General Assembly of the State of Georgia do enact*, That Charles S. Hardee, William B. Davison, Edward A. Wilcox, Robert Erwin, Harry Cranston, Thomas N. Philpot, Richard Johnson, John S. Daniel, J. Green Garnett and Thomas Daniells, and their successors, be, and they are hereby constituted a body politic and corporate by the name and style of "the Savannah Steamboat Company," and by that name and style may sue and be sued, plead and be impleaded in any Court of law or equity, may have and use a common seal, and break, alter or renew the same at pleasure, may make such by-laws, rules and regulations as the Stockholders and Directors may deem necessary or expedient; *Provided*, the same be not contrary to the laws of this State or to the United States; and may hold, purchase, receive, retain, enjoy, sell and transfer real and personal property, of such description as the necessity of their business may require. Corporators. Name. General powers.

SEC. II. The capital stock of said Company shall consist of one thousand shares, of one hundred dollars each, which by a vote of a majority of the Stockholders at any meeting regularly called for that purpose may be from time to time increased by the creation of new stock of one hundred dollars per share, as said stockholders may find it expedient, *Provided*, that the whole amount of capital stock shall never exceed the sum of five hundred thousand dollars. Capital stock. Proviso

SEC. III. The said Company shall be authorized, by Steamboats of any description, and by other boats or vessels, as they may find it convenient, to navigate for the transportation of freight or passengers, or both, any of the waters of Georgia in common with other companies and private individuals, and they shall also be authorized to insure against loss or damage by fire, or by any and all risks, whether by seas or inland navigation, of such goods, wares and merchandise as may be shipped on said boats or vessels. May transport freights or passengers. May insure freights.

SEC. IV. The business of said Company shall be conducted by a President and five Directors, to be chosen annually by the Stockholders at such time as may be fixed when the Company is organized, but no person shall be qualified to be elected as President or Director who does not own at least ten shares of the capital stock of said Company; and three of the Directors so chosen shall constitute a quorum for the transaction of business, and if the President or any Director shall cease to be such, the Board shall fill the vacancy from the Stockholders duly qualified until the next regular election. President and Directors. Quorum. Vacancies.

Shares and votes.

Proviso.

SEC. V. At the annual election for President and Directors each Stockholder shall be entitled to one vote for each share of stock owned and held by him, *Provided*, that no person shall vote as the holder of any shares of stock except such as he has, *bona fide*, held for three calendar months previous to the election. Stockholders may vote by proxy.

Transfer of stock.

SEC. VI. The stock of the Company may be transferred on the books of the Company, and in no other mode whatever, by the Stockholders, or their legal representatives, in such manner as the regulations of the Board of Directors may prescribe.

President to appoint officers.

SEC. VII. The President shall have the power of appointing all the other officers of said Company.

Liabilities.

SEC. VIII. The said Company shall be responsible to its creditors to the extent of its property, and the Stockholders shall be liable to the extent of their respective stocks for the debts of the Company in proportion to the number of shares held by each.

Approved 6th March, 1866.

TITLE XXIII.

JUDICIARY.

Sec. 1. Acts of civil officers, not pardoned, valid.
" 2. Acts of Ordinaries commissioned by Prov. Gov. valid.
" 3. Judges of Superior Courts may render certain decrees during vacation. Consent of parties. Proviso.
" 4. Decrees legalized.
" 5. In Forcible Entry and Detainer, ten days allowed for Certiorari. Proviso.
Sec. 6. Service against Express Companies when chief officer does not reside in State.
" 7. When chief officer resides in this State.
" 8. Revenue stamps used in civil proceedings included in costs.
" 9. Citizens over sixty years exempt from jury duty.

(No. 221.)

An Act to declare valid all official acts of the civil officers (both principals and deputies) of this State, whether said officers have been pardoned by the President of the United States or not.

Official acts declared valid.

1. Sec. I. *The General Assembly of the State of Georgia do enact*, That all official acts heretofore done and performed, or which hereafter may be done and performed, by any civil officer of this State, either principal or deputy, shall not be declared invalid on account of said officers not having received a pardon from the

President of the United States, but said acts are hereby declared legal to all intents and purposes.

Sec. II. Repeals conflicting laws.

Approved 21st February, 1866.

(No. 222.)

An Act to legalize the acts of John C. Wells, and all other persons in this State, acting as Ordinaries under commission from His Excellency, James Johnson, Provisional Governor.

2. Sec. I. *Be it enacted by the General Assembly of the State of Georgia*, That the official acts of John C. Wells, and all other persons in this State, acting as Ordinaries under commission from His Excellency, James Johnson, Provisional Governor of Georgia, be and the same are hereby made as valid and binding on parties as though the said Ordinaries had been duly elected and qualified in accordance with the laws of this State.

Acts of Ordinaries commissioned by Prov. Gov. made valid.

Approved 16th February, 1866.

(No. 223.)

An Act to authorize the rendition of certain decrees in equity during vacation, and to legalize certain decrees already rendered.

3. Sec. I. *Be it enacted by the General Assembly of the State of Georgia*, That where, for any reason already existing or to exist, it becomes impossible to carry out any last will and testament, in whole or in part, the Judges of the Superior Courts shall have power to render at Chambers during vacation, any decree that may be necessary and legal in the premises; *Provided*, all parties in interest consent thereto in writing, and there is no issue as to facts; or if there is such an issue, there is a like consent in writing that the Judge presiding may hear and determine said facts, subject to a revision by the Supreme Court, as in other cases; *Provided*, that in all cases where minors are interested, the consent of the Guardian at law or Guardian *ad litem* shall be obtained before such decree is rendered.

Decree during vacation.

Parties consenting.

Proviso.

4. Sec. II. That any decrees that may have been rendered on the terms of the preceding Section, are hereby declared legal and valid.

Decrees legalized.

Approved 17th March, 1866.

(No. 224.)

An Act to suspend the enforcement of Judgments in cases of Forcible Entry and Detainer for ten days, to give parties dissatisfied with the same, time to make out their writs of certiorari.

Ten days allowed.

Proviso.

5. Sec. I. *Be it enacted by the General Assembly of the State of Georgia,* That in all cases of Forcible Entry and Detainer, the enforcement of the Judgment shall be suspended for ten days, to allow the party dissatisfied with the same, time to make out his writ of Certiorari; *Provided,* that the party conplaining of said decision shall, at the time it is made, give the opposite party written notice of his intention to take said case to the Superior Court.

Sec. II. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 225.)

An Act to perfect service against Express Companies.

When chief officer does not reside in this State.

6. Sec. I. *Be it enacted,* That from and after the passage of this Act, service may be perfected in any suit at law or proceeding in equity upon any Express Company, whose chief officer does not reside within the State, by leaving the bill, subpœna, writ, attachment or other original process necessary to commence the same at any of the offices of any Express Company doing business in this State, or by serving the same upon any agent of said Company within this State, and that judgment or decrees obtained in cases so commenced shall bind the property of said defendant as fully as though service had been effected on the President or other chief officer.

When chief officer resides in this State.

7. Sec. II. That when the chief officer of any Express Company shall reside in this State, it shall be the duty of such Company to post in a public and conspicuous place, at each office where it transacts business, the name of its President or other chief officer, on whom service can be perfected in this State, otherwise, service made as provided for in the first Section of this Act, shall be deemed sufficient and proper service.

Sec. III. Repeals conflicting laws.

Approved 23rd February, 1866.

(No. 226.)

An Act to regulate Court cost in certain cases.

Revenue stamps included in costs.

8. Sec. I. *The General Assembly do enact,* That from and after the passage of this Act, the amount of all revenue stamps used upon affidavits, declarations, bills, judgments, executions, letters of administration, and any other writ, process, order or decree, issued

by any Court of this State, upon which a revenue stamp has to be used, shall be taxed in the bill of cost against the defendant in all cases in which the defendant is cast in the suit, and in the granting of letters of administration, letters testamentary, &c., to be taxed against the parties for whom the same are used.

Sec. II. Repeals conflicting laws.

Approved 6th March, 1866.

(No. 227.)

An Act to relieve certain persons in this State from Jury duty.

9. Sec. I. *Be it enacted by the General Assembly of the State or Georgia*, That from and after the passage of this Act, all citizens of this State above the age of sixty years are hereby exempt from service on any Juries of the several Courts in this State. Above 60 years exempt from jury duty.

Sec. II. Repeals conflicting laws.

Approved 20th February, 1866.

TITLE XXIV.

LAND.

Sec. 1. Time extended for granting land on Head Rights. | Sec. 2. Grants to be issued to Surveys now in office.

(No. 228.)

An Act to extend the time in relation to issuing grants on head rights, so as to extend the time for granting the same until the 25th day of December, 1868, and to authorize the Secretary of State to issue grants to all surveys now in office.

1. Sec. I. *Be it enacted by the General Assembly of the State of Georgia*, That the time for granting lands surveyed on head rights be extended to the 25th day of December, 1868. Time extended.

2. Sec. II. That the Secretary of State be authorized to issue grants to all surveys now in office that have not been granted. Certain grants to be issued.

Sec. III. Repeals conflicting laws.

Approved 21st February, 1866.

TITLE XXV.

MAIMED INDIGENT SOLDIERS.

Sec. 1. Governor to advertise for proposals to furnish artificial arms and legs. Contracts to be made. Maimed soldiers to apply to Ordinary. Surgeons to be appointed to examine patents and report.
" 2. Description to insure identity of applicant. Duty of Ordinary.
Sec. 3. Comptroller to keep book of registry. Orders to applicants.
" 4. Receipt of applicant. Affidavit of manufacturer. Order on Treasurer.
" 5. Penalty for fraudulent use of papers.

(No. 229.)

An Act for the relief of maimed indigent soldiers and officers, citizens of this State, who belonged to military organizations of this State in the State or Confederate States armies.

Governor authorized to advertize.

Competition invited.

Contr'ct given to whom.

Maimed officer or soldier to apply to Ordinary.

Surgeon to make report.

1. SEC. 1. *Be it enacted by the General Assembly of the State of Georgia*, That the Governor be authorized and required to cause an advertisement to be inserted for sixty days in one newspaper published in Augusta, one in Macon, for proposals to furnish artificial arms and legs for disabled soldiers, inviting competitors to bring to Milledgeville samples, and prices at which they will be delivered at some central point in Georgia, to be named by the bidder, where the same will be, by said bidder fitted to the disabled limb; when said bids have been received and opened at the end of sixty days, the Governor shall give the contract to the lowest bidder, taking always into consideration in the determination of said bids as well quality as price, and after notifying the person selected, it shall be the duty of the Governor to make a contract with the bidder to supply all limbs applied for within twelve months, upon the terms and conditions of this Act. That whenever any maimed indigent soldier or officer, who has become so maimed in the service of the State or in the service of the Confederate States, while a member of any Georgia military organization, it shall be lawful for such soldier or officer to apply to the Ordinary of the county where he resides for an order to obtain such artificial limb or part thereof as his maimed condition may render necessary, which he shall be entitled to receive on complying with the conditions of this Act. That the Governor be requested to appoint a committee of *scientific* surgeons, who shall examine and report to him upon the various patents, the value and worth of such limbs.

Description to insure identity of applicant.

2. SEC. II. That every such application shall contain a personal description of the applicant, designating his age, color of his hair and eyes, his height, and any other distinguishing mark calculated to insure his identity, also the Company and Regiment to which he belonged, the place and time of receiving his wound, and

his present business or employment, which statement shall be sworn to by the applicant, and the facts verified by some citizen of the county known to the Ordinary, all of which shall be kept by the Ordinary as an office paper, and a copy of the same transmitted to the Comptroller General, accompanied with the certificate of the Ordinary, that he believes the statement to be entitled to credit, which application and certificate shall be filed in the office of the Comptroller General.

Duty of Ordinary.

3. SEC. III. That the Comptroller shall keep a book in which shall be registered the name of each applicant, and a synopsis of the facts contained in the application, and shall forward to the Ordinary an order on the person who may take the contract herein provided for, for such limb or limbs as the applicant may have lost, in which order, the person of the applicant shall be described. This order shall be transferred by the Ordinary in writing, and delivered personally to the applicant.

Duty of Comptroller.

Order to be delivered to applicant.

4. SEC. IV. When the applicant shall present the order and receive the limb from the makers or their agent, he shall give therefor a receipt written on the back of the order, and say that the limb or limbs suit his condition and are satisfactory, which paper shall be returned to the Comptroller, and be by him examined and audited, and if accompanied with an affidavit by the manufacturer or his agent, made before some officer of this State authorized to administer oaths, that he has in good faith delivered a limb or limbs to the applicant in accordance with said receipt, that the same was of the quality contracted for, and that the person receipting identified himself as the person entitled under the order of the Comptroller General to receive the same; the said receipt shall become an order on the Treasurer in favor of the contractor for the sum or price agreed upon in his contract with the State for the limb or limbs so furnished.

Receipt of applicant to be returned to Comptroller.

Affidavit of manufacturer.

Receipt order on Treasurer.

5. SEC. V. That if any person entitled to any of the provisions or benefits of this Act, shall fraudulently use any of the papers issued under its direction, in any way to his own benefit, except according to the true intent and meaning of this Act, he shall be deemed guilty of a misdemeanor, and on conviction shall be punished by confinement in the Penitentiary not less than one year nor more than three years, and shall be fined not less than one hundred dollars, in the discretion of the Court, and either or both of these punishments may be inflicted in the discretion of the Court.

Penalty for fraudulent use of papers.

Approved 12th March, 1866.

TITLE XXVI.

MARRIED WOMEN.

Section 1, Married women may deposit earnings in Savings Banks. May control sums thus deposited.

(No. 230.)

An Act to amend an Act entitled an Act to authorize married women to deposit money in Savings Banks, or Institutions, now chartered, or which may hereafter be chartered by this State, and for other purposes therein mentioned, assented to December 16th, 1861.

Married women may deposit earnings in Savings Bank.

Control sums deposited.

1. SEC. I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for any married woman to deposit in any Savings Bank, or Institution for Savings, now chartered in the State of Georgia, or which may hereafter be chartered in said State, any sums of money, the proceeds of her own labor, or that of her children, less than two thousand dollars taken in the aggregate, and to control, draw for, dispose of, devise or transfer, in any way whatever, the sum or sums thus deposited, in every respect as if she were not a married woman.

SEC. II. Repeals conflicting laws.

Approved 10th March, 1866.

TITLE XXVII.

MILITARY.

Section 1, Military Code in revised Code of the State revived. Except office of Adjt. & Insp. Gen. Laws repealed.
" 2, Duties of Adj. & Insp. General to be performed by Secretary of State.
Section 3, Word "United" substituted for "Confederate."
" 4, Districts to remain the same.

(No. 231.)

An Act to revive the Military Code of the State of Georgia, as published in the revised Code of Georgia, and to repeal all laws passed since the adoption of said Military Code inconsistent with its provisions, and for other purposes.

WHEREAS, By reason of the late war, many changes have been made in the Military Code of the State of Georgia, since the adoption of the revised Code of the State, applicable only to the then state of war, and now inconsistent with the provisions of said Code; therefore, Preamble.

1. SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by authority of the same,* That from and after the passage of this Act the Military Code of the State of Georgia, as published in the revised Code of the State from Section 981 to Section 1103 inclusive, be, and the same is hereby revived, with the exception of the office of the Adjutant & Inspector General, established by the 1st provision of Section 1041, which said office is hereby abolished, and that all laws passed since the adoption of said Code inconsistent with the provisions of this Section be and they are hereby repealed. Military Code revived. Exception. Laws repealed.

2. SEC. II. That the duties heretofore performed by the Adjutant & Inspector General, be performed by the Secretary of State. Duties of Adj. Gen. by Sec. of State.

3. SEC. III. That whenever the word "Confederate" occurs before the word "States," the same is hereby amended by substituting the word "United" for the word "Confederate." United substituted.

4. SEC. IV. That the Division, Brigade, Regimental, and Company Districts, as at present organized, are to remain the same, until changed in the manner prescribed in the Revised Code. Districts the same.

Sec. V. Repeals conflicting laws.

Approved 7th March, 1866.

TITLE XXIII.

ORPHAN HOME.

Section 1, Orphan Home to be established.
" 2, Building Committee to be appointed. Duties of.
" 3, Board of Trustees; appointment of. To take charge of property; receive and invest donations; sue for claims; prescribe rules; appoint officers, &c; and make annual report.
Section 4, Officers and teachers.
" 5, Applicants for admission.
" 6, Superintendent, office may be left vacant. Nurses, &c.
" 7, Vacancies in board; removals.
" 8, No. of beneficiaries from each County.

(No. 232.)

An Act to organize and establish an Orphan Home in this State.

Orphan home to be established.

1. SEC. I. *The General Assembly of the State of Georgia do enact*, That there shall be established, at some suitable place in this State, an Institution for the protection, support and education, of orphan children, to be styled the "Georgia State Orphan Home," which shall be the property of the State.

Building Committee

Duty of.

2. SEC. II. To this end it shall be the duty of the Governor to appoint a building Committee of three, whose duty it shall be to select and purchase, or receive by donation, at some suitable place, a site or piece of land adapted to the purpose, and to superintend the erection thereon of a suitable building or buildings, for the purposes above recited, planned in proportion to the amount of funds which may be appropriated and set apart, or received by gift for that purpose, and with a view to the convenience of future extension and improvements. And before making any permanent improvements on said ground one of said Committee may visit the Orphan House at Charleston, South Carolina, for the purpose of obtaining plans, charts, drafts, designs, suggestions, or any or all other information pertaining to the arrangement and construction of said Institution.

Board of Trustees. To take charge of property.

Receive and invest donations.

3. SEC. III. It shall be the duty of the Governor to appoint a Board of Trustees, to consist of nine, (9,) whose duty it shall be, first, to take charge of, and hold in trust, all property and claims, of whatever kind, both real and personal, belonging to said Institution, in the name of the State, and to use the same for the benefit of said Institution, and for the promotion of the objects for which it is established. Second, to hold in trust all donations intended for endowments, from benevolent persons or societies, and to invest and use the same as may be directed by the donors respectively; *provided*, that when no direction is given by the donor, the Trustees may invest in such stocks, bonds, real estate, &c., as they may deem best, with the advice and consent of the

Governor. Third, to bring suit in their names for any claim the Institution may have, whether arising from contract or tort. Fourth, to prescribe all the rules and regulations for the government of the Institution, and for the reception of children, not in conflict with the laws of this State. Fifth, to appoint all the officers, point out their duties, and fix their salaries, and to remove from office when the incumbents fail to properly discharge their duties, or are guilty of immoral or unfaithful conduct.—Sixth, to make to the Governor, at the end of each fiscal year, an accurate and full report of the operations and condition of the Institution, and of the receipts and disbursements for the same.

See for claims. Prescribe rules. Appoint officers, &c. Make report.

4. SEC. IV. The officers of the State Orphan Home, to be appointed by the Trustees, are a Principal, or Superintendent, a Treasurer, and Matron, and such teachers as may be necessary and requisite. And medical attention for the beneficiaries of the Institution may be procured by the Trustees, under such arrangements and contracts as they may consider most appropriate and beneficial.

Officers.

5. SEC. V. All applications for admission into this Institution must be approved by the Board of Trustees, or a majority of them, but the children of deceased soldiers of the Confederate and State service, during the late war, shall have preference over all others; next to these, all other indigent orphan children, and last, the children of indigent and distressed parents, who are not able to support them.

Applicants for admission.

6. SEC. VI. The office of Superintendent may be left vacant until such time, as in the judgment of the Board of Trustees, his services may be needed. And the Trustees may provide for the employment of such nurses and servants as the necessities of the Institution may require.

Superintendent. Nurses, &c.

7. SEC. VII. The Governor and his successors in office respectively, shall perpetuate the said Board of Trustees by appointments to fill vacancies when such occur, and he may dismiss or remove from office any or all of said Trustees, (appointing others in their places,) for neglect of duty, improper conduct or management, or for incompetency.

Vacancies in Board. Removals.

8. SEC. VIII. Orphan and destitute children, recommended by the Ordinaries of their respective Counties, and approved by a majority of the Board of Trustees, shall be received into said Orphan home, from each County in this State, in proportion to the number of children therein entitled to the benefits of this Act, provided application is made within a reasonable time after the organization of said Institution, or after the vacancy occurs in the number of beneficiaries to which said County is entitled.

No. of beneficiaries from each County.

Approved 17th March, 1866.

TITLE XIX.

PAUPERS.

Section 1, Inferior Court may purchase house and farm for paupers.
" 2, May levy and collect tax for the purpose. Make rules. Establish workshops, school houses, or churches.
Section 3, General authority.

(No. 233.)

An Act to authorize the Justices of Inferior Courts of this State to purchase a farm for paupers, and for other purposes.

Inf. Courts may purchase house and farm for paupers.

1. SEC. I. *The General Assembly of the State of Georgia do enact*, That from and after the passage of this Act, the Justices of the Inferior Courts of this State, upon the recommendation of the Grand Juries of their respective Counties, shall have power and authority to purchase a house and farm, in their respective Counties, upon which farm they may require all paupers in said Counties to labor, who are not from old age and disease unable to work.

Collect tax.

Make rules.

Establish workshops, schoolhouses, or churches.

2. SEC. II. That said Inferior Courts have authority to lay and collect a tax for the purpose mentioned in the first Section of this Act, and said Courts are hereby authorized to establish all necessary rules and regulations in the management of said farms, and said Courts are further authorized to establish any workshops, any school houses, or churches, on said farms, as they may deem proper.

General authority.

3. SEC. III. That said Courts shall have authority to do any and every thing necessary to be done, in carrying out the provisions of this Act.

SEC. IV. Repeals conflicting laws.

Aproved 17th March, 1866.

TITLE XXX.

PENAL CODE—CHANGES IN, &C.

SUBJECTS AND SECTIONS.

ACT.	SUBJECT.	SECTION OF CODE.
NO. 234.	ARSON—OCCUPIED DWELLING ON FARM, &C.,	4275
"	BURGLARY IN THE NIGHT,	4285
235.	HORSE STEALING,	4298
236.	PUTTING OUT ONE EYE,	4241
"	SLITTING OR BITING NOSE, &C.	4243
"	CUTTING OR BITING OFF NOSE, &C,	4244
"	CUTTING OR BITING OFF LIMB, &C. NOT DESIGNATED,	4247
"	ATTEMPT TO COMMIT SODOMY, &C.,	4255
"	STABBING,	4268
"	RAPE,	4248
"	CATTLE STEALING,	4296
"	HOG STEALING,	4298
"	ALTERING BRAND OR MARK,	4300
"	SIMPLE LARCENIES NOT DESIGNATED,	4307
"	LARCENY FROM THE PERSON,	4309
"	LARCENY FROM THE HOUSE,	4312
"	ENTERING HOUSE WITH INTENT TO STEAL,	4313
"	BREAKING HOUSE WITH INTENT TO STEAL,	4314
"	BREAKING AND ENTERING, OTHER THAN DWELLING,	4315
"	ENTERING AND STEALING FROM HUT, CAR, &C.,	4317
"	BRIBERY,	4365
"	RECEIVING STOLEN GOODS,	4382
"	RIOT,	4400
"	BREAKING BRIDGES, DAMS, &C.,	4475
237.	FRAUDULENT CONVERSION,	4321
238.	MALPRACTICE BY JUSTICES,	4391
239.	KEEPING GAMING TABLE.	4424
240.	VAGRANTS.	4435
241.	MAKING SECOND DEED TO LAND,	4467
242.	EMPANNELING JURY ON INDICTMENT, &C.,	4564
243.	FORM OF AFFIDAVIT FOR ARREST,	4596
"	FORM OF WARRANT FOR ARREST,	4597
244.	TIME GRANTED DEFENDANT—BAIL,	4613
245.	ILLEGAL SEIZURE, &C., OF PROPERTY PENAL.	
246.	COMPELLING RECEIPTS FROM RAILROADS, &C.	
247.	OVERCHARGE ON RAIL-ROADS MADE PENAL.	
248.	CERTAIN ACTS OF TRESPASS DEFINED AND MADE PENAL.	
249.	LAWS REPEALED MAKING IT PENAL TO RECEIVE UNITED STATES CURRENCY.	

PENAL CODE—CHANGES IN, &C.

SEC. 1. Arson, if of occupied dwelling on farm, &c., to be punished with death.
2. Burglary in the night to be punished with death.
3. Horse stealing to be punished with death.
4. Certain crimes reduced below felonies
5. Punishment of all crimes below felonies.
6. Fraudulent conversion, Section 4321, amended.
7. Malpractice by J. I. C. or Justice of Peace.
8. Punishment for keeping gaming table changed.
9. Vagrants, who are. May be arrested, and bound over to County Court. Punishment on conviction. Proviso.
10. Fraudulently making second deed to land.
11. Empaneling jurors for trials on indictment.
12. What shall be stated in affidavits or warrants for arrest of offenders. When offence charged is larceny.
SEC. 13. Where cause is postponed, defendant may give bail for appearance.
14. Fraudulent seizure, &c., of property—person claiming to be U. S. officer or agent. Punishment.
15. Railroad companies must give receipts. Specify what.
16. Violation of Act, misdemeanor. Penalty.
17. Overcharge by employee of Railroad a misdemeanor. Penalty.
18. Certain acts to be deemed Trespass.—(1.) Felling trees, &c. (2.) Taking and carrying away timber, &c., Fruit, &c., Corn, &c. (3.) Pulling down or removing fences, &c. (4.) Occupying land without color of title. Provided, Not to apply to wayfarers.
19. Declared misdemeanor. Penalty. Proviso.
20. Laws making it Penal to receive and circulate U. S. currency repealed.

(No. 234.)

An Act to alter and amend the 4275th Section of the Fifth Division of the Penal Code; also, to alter and amend the 4285th Section of the same Division.

Willful and malicious burning of occupied dwelling house to be punished with death.

Burglary in the night to be punished with death.

I. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That from and after the passage of this Act, section 4275 shall read as follows: "the wilful and malicious burning of an occupied dwelling house of another on a farm or plantation, or elsewhere, shall be punished with death."

2. SEC. II. That section 4285 shall read as follows: "burglary in the night shall be punished with death."

SEC. III. Repeals conflicting laws.

Approved 8th March, 1866.

(No. 235.)

An Act to alter and amend the 4293rd Section of the Penal Code.

Horse stealing to be punished by death, unless jury recommend to mercy.

3. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met,* That from and after the passage of this Act the stealing of any horse or mule shall be punished by death, unless recommended by the Jury to the mercy of the Court, in which event, the punishment shall be as now prescribed by the Code.

Approved 17th March, 1866.

(No. 236.)

An Act to alter and amend the Penal Code of Georgia.

4. SECTION I. *The General Assembly of the State of Georgia do enact*, That from and after the passage of this Act the crimes defined in the following Sections of the Penal Code as felonies, and punishable by imprisonment in the Penitentiary, shall henceforth be reduced below felonies, and punished in the manner hereinafter set forth, viz: Sections 4241, 4243, 4244, 4247, 4255, 4268, when not within the provisions of the proviso to said section; 4248, 4296, 4298, 4300, 4307, 4309, 4312, 4313, 4314, 4315, 4317, 4365, 4382, 4400, 4475.

Certain crimes reduced below felonies, and punishment changed.

5. SEC. II. That all other crimes designated in the Penal Code punishable by fine and imprisonment, or either, shall be likewise punishable in the manner hereinafter set forth, that is to say, the punishment for any of the aforesaid crimes, hereafter committed, shall be a fine not to exceed one thousand dollars, imprisonment not to exceed six months, whipping not to exceed thirty-nine lashes, to work in a chain gang on the public works not to exceed twelve months, and any one or more of these punishments may be ordered in the discretion of the Judge.

Punishment for above and all other crimes designated in Penal Code punishable by fine and imprisonment, or either.

Approved 20th March, 1866.

(No. 237.)

An Act to amend the 4321st Section of the Code of Georgia.

6. SECTION I. *Be it enacted, &c.*, That from and after the passage of this Act section 4321, of the Code of Georgia, be so amended as to insert after the words "collection of any of them" in the twenty-first line, the words "shall fraudulently convert the same, or any part thereof, or the proceeds of any part thereof."

Fraudulent conversion.

SEC. II. Repeals conflicting laws.

Approved 8th February, 1866.

(No. 238.)

An Act to amend the Forty-three hundred and ninety-first (4391) Section of the new Code of Georgia.

7. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the forty-three hundred and ninety-first section of the Code of Georgia be, and the same is hereby amended to read in the first lines and clauses thereof as follows:

"Any Justice of the Inferior Court or Justice of the Peace who shall be charged with malpractice in office, or with using oppression or tyrannical partiality, or with wilfully refusing or failing to preside in or hold his Court at the regular terms thereof, or when it is his duty, under the law to do so, or with using any other means to delay or avoid the due course or proceeding of law, or with any

Malpractice by Justice of Inferior Ct. or Justice of the Peace.

other conduct unbecoming the character of an upright magistrate, &c." This amendment to take the place of the three first lines of said section, as it now stands in the Code down to, and including the words "upright magistrate' there occurring, and all of said section after those words to be and remain as it now is.

Approved 23rd February, 1866.

(No. 239.)

An Act to alter and amend paragraph 4424, part 4, title 1st, of the Code of Georgia.

Punishment for keeping gaming table changed.

8. SECTION I. *Be it enacted by the General Assembly and it is hereby enacted by the authority aforesaid*, That paragraph 4424, part 4, title 1st, of the Code of Georgia be altered and amended by striking out the words "by imprisonment in the Penitentiary not less than one or longer than three years" and inserting in lieu thereof the following words "by fine not less than one hundred dollars, nor more than five thousand dollars, or imprisonment in the common jail of the county, or both, in the discretion of the Court."

Approved 17th March, 1866.

(No. 240.)

An Act to alter and amend the 4435th Section of the Penal Code of Georgia.

9. SECTION I. *The General Assembly of the State of Georgia do enact*, From and after the passage of this Act, that the 4435th section of the Penal Code of Georgia shall read as follows, to-wit:

Vagrants, defined.

"All persons wandering or strolling about in idleness, who are able to work, and who have no property to support them; all persons leading an idle, immoral or profligate life, who have no property to support them, and are able to work, and do not work; all persons able to work, having no property to support them, and who have not some visible and known means of a fair, honest and reputable livelihood; all persons having a fixed abode who have no visible property to support them, and who live by stealing or by trading in, bartering for, or buying stolen property; and all professional gamblers, living in idleness, shall be deemed and considered vagrants, and shall be indicted as such; and it shall be lawful for any person to arrest said vagrants, and have them bound over for trial to the next term of the County Court, and upon conviction they shall be fined or imprisoned, or sentenced to work on the public works or roads, for not longer than a year, or shall, in the discretion of the Court, be bound out to some person for a time not longer than one year, upon such valuable consideration as the Court may prescribe, the person giving bond, in a sum not exceeding three hundred dollars, payable to said Court, and conditioned to clothe and feed, and provide said convict with medical attendance for and during said time, *Provided*, that the defendant may, at any

May be arrested and bound over.

Punishment on conviction.

Proviso.

time before conviction, be discharged upon paying costs, and giving bond and security in a sum not exceeding two hundred dollars, payable to said Court, and conditioned for the good behavior and industry of defendant for one year.

Approved 12th March, 1866.

(No. 241.)

An Act to amend the 4467th Section of the Code of Georgia.

10. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the 4467th section of the Code of Georgia be amended by inserting between the words "thereto" and "shall" in the fifth line of said section the following words, to-wit: "or who shall fraudulently make a second deed of conveyance to any land or real estate to another."

Any person fraudulently making a second deed of conveyance to real estate, to be held and deemed a common cheat and swindler.

SEC. II. Repeals conflicting laws.

Approved 6th March, 1866.

(No. 242.)

An Act to amend Section 4564 of the Code of Georgia.

11. SECTION I. *Be it enacted, &c.*, That from and after the passage of this Act section 4564 of the Code of Georgia be so altered and amended as to strike out all after the words "to furnish" in the sixth line, and insert instead the words "panels consisting of such number of Jurors as the Court, in its discretion, may think proper, until a Jury is obtained.

Empaneling jurors for trial on indictment, &c.

SEC. II. Repeals conflicting laws.

Approved 8th February, 1866.

(No. 243.)

An Act to alter and amend Sections 4596 and 4597 of the Code of Georgia.

12. SECTION I. *The General Assembly of the State of Georgia do enact*, That any affidavit made or warrant issued for the arrest of any offender against the penal laws of this State shall state as nearly as practicable the following facts, to-wit: the offence, the county in which the same was committed, and the time when committed; and when the offence charged is larceny, the ownership of the property alleged to have been stolen, or the person from whose possession it was taken shall, as far as practicable, be stated in the affidavit and warrant.

What affidavit or warrant shall state.

What in larceny.

SEC. II. Repeals conflicting laws.

Approved 15th February, 1866.

(No. 244.)

An Act to amend the 4613th Section of the Code of th s State.

Defendant may give bail for appearance.

13. SECTION I. *Be it enacted, &c.*, That the following clause shall be added to the 4613th section of the Code of this State after the words "too great delay" the words following, to-wit: "and where the cause is postponed to a future day at the instance of either party, or by the Court, it shall not be necessary to commit the defendant to jail pending the hearing, but he shall have the right to give bail for appearance at the hearing before said Court of Inquiry, *Provided*, the offence be bailable under the authority of said Court."

Approved 23rd February, 1866.

(No. 245.)

An Act to prevent the illegal seizure, detention or removal of property in this State, and to prescribe the punishment for the same.

Fraudulent seizure, &c., of property.

Claiming to be U. S. officer or agent.

Punishment.

14. SECTION I. *The General Assembly of the State of Georgia do enact*, That if any person, fraudulently claiming to act as agent or officer of the United States or any Department thereof, shall seize, detain or remove the property of any citizen or resident of this State, or if any person shall claim to be an officer or agent of the United States or any Department thereof, with authority to make said seizure, detention or removal, and who shall not have such authority, such person, officer or agent, so offending shall, upon conviction, be punished by confinement and labor in the Penitentiary not less than one year nor longer than ten years, or for the same term of labor upon the public works of the State, at the discretion of the Court.

SEC. II. That this Act shall be in force from and after its passage.

Approved 8th March, 1866.

(No. 246.)

An Act to compel Railroad, Steamboat and Express Companies to furnish parties receipts for articles delivered, and prescribe the penalty for refusal.

Company to give receipt.

Specifying what.

15. SECTION I. *The General Assembly of the State of Georgia do enact*, That from and after the passage of this Act whenever any person shall deliver any article, thing, commodity or property of any description to any Railroad, Steamboat or Express Company in this State for transportation, it shall be the duty of such Company, upon demand, to furnish the party so delivering, a good and valid receipt for the same, with proper revenue stamps attached thereto, and said receipt shall specify the weight of said article, thing, commodity or property thus delivered, whenever the value can be estimated by weight, and in all cases where the value cannot be thus estimated the receipt shall give a general description of said article,

thing, commodity or property, and shall also specify as near as practicable the quantity or value thereof, and also the place of destination.

16. SEC. II. Any Agent or officer of any Railroad, Steamboat or Express Company violating the provisions of this Act shall be deemed and considered guilty of a high misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the Court. The fine not to be less than one hundred, nor more than two thousand dollars, the imprisonment not to exceed sixty days. Violation of Act a misdemeanor. Penalty.

SEC. III. Repeals conflicting laws.

Approved 20th March, 1866.

(No. 247.)

An Act to make it penal for any officer, agent or other employee of any Railroad Company in this State to charge for freights or passengers transported over said Railroads above the rates now allowed by their several charters.

17. SECTION I. *The General Assembly of the State of Georgia do enact,* That any officer, agent or other employee of any Railroad Company in this State who shall hereafter charge for transporting freight or passengers over said Railroad above the rates now allowed by their several Charters, or established by the Superintendent or other officer, or officers, of said Railroad, shall be guilty of a misdemeanor, and on indictment and conviction before the Superior Court in any county having jurisdiction thereof, shall be fined in a sum not less than one nor more than five thousand dollars for each and every offence, one half to be paid to the informer and the other half to be paid to the county for the education of the children of indigent soldiers. Overcharge by employees a misdemeanor. Penalty.

SEC. II. That this Act shall be of force immediately after its passage.

Approved 17th March, 1866.

(No. 248.)

An Act to define certain acts of Trespass, and make the same penal.

18. SECTION I. The following acts shall hereafter be deemed and held to be trespass, and indictable, to-wit: Acts to be deemed trespass.

1st. The wilful cutting or felling of any wood, timber or shade tree upon the land, enclosed or unenclosed, of another, without the consent of the owner. Felling trees, &c.

2nd. The taking and carrying away, or attempting to take and carry away, any timber, wood, rails, fruit, vegetables, corn, cotton, or any other article, thing, produce or property of any value whatever, from the land, enclosed or unenclosed, of another, without the consent of the owner. Taking and carrying away timber, &c., fruit, &c. corn, &c.

Pulling down or removing fence, &c.

3rd. The pulling down or removing any fence, paling or enclosure of another, without the consent of the owner.

Occupying land without color of title.

4th. The squatting or settling upon the land, enclosed or unenclosed, of another, whether public or private, with no *bona fide* claim or color of title, and without the consent of the owner, *Provided*, the intruder shall not remove off the land after ten days notice,

Proviso.

And provided further, that this section shall not apply to wayfarers who shall camp for a night, or in case of providential detention, for a longer time, on unenclosed land.

And not to apply to wayfarers.

19. SEC. II. Any person committing any of the above acts of trespass shall be held and deemed guilty of a misdemeanor, and subject to indictment in any Court having jurisdiction thereof, and upon conviction shall be fined or imprisoned, or both, at the discretion of the Court, the fine not to exceed two hundred dollars, the imprisonment not to exceed the term of sixty days, *Provided*, that persons camping for a night and using wood for such purpose shall not be deemed guilty under this Act.

Declared misdemeanor.

Penalty.

Proviso.

SEC. III. Repeals conflicting laws.

Approved 23rd February, 1866.

(No. 249.)

An Act to repeal all laws making it penal for the people of this State to receive and circulate United States currency.

20. SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same*, That all laws heretofore passed making it penal for the people of this State to receive and circulate United States currency be and the same are hereby repealed.

Laws repealed.

SEC. II. Repeals conflicting laws.

Approved 10th March, 1866.

TITLE XXXI.

PERSONS OF COLOR.

SEC. 1. Term defined.
" 2. Rights of.
" 3. Competent witnesses.
" 4. May make affidavits as other litigants.
" 5. Relation of Husband and Wife among. In case of two or more reputed Wives or Husbands. Failure to comply with provisions of Act.
SEC. 6. Parent to maintain children.
" 7. Obligations of children.
" 8. Declared legitimate.
" 9. Issuing license for marriage of white person, and one of African descent a misdemeanor.
" 10. Marrying such together a misdemeanor.

(No. 250.)

An Act to define the term "persons of color", and to declare the rights of such persons.

1. SEC. I. *The General Assembly of the State of Georgia do enact*, That all negroes, mulattoes, mestizoes, and their descendants, having one-eighth negro, or African blood, in their veins, shall be known in this State as "persons of color". Persons of color.

2. SEC. II. That persons of color shall have the right to make, and enforce contracts, to sue, be sued; to be parties, and give evidence; to inherit; to purchase, lease, sell, hold and convey, real, and personal property, and to have full and equal benefit of all laws and proceedings, for the security of person and estate, and shall not be subjected to any other or different punishment, pain or penalty for the commission of any act or offence, than such as are prescribed for white persons, committing like acts or offences. Rights of

SEC. III. That all laws and parts of laws in relation to slaves, and free persons of color, militating against this Act, be, and the same are hereby repealed.

Approved 17th March, 1866.

(No. 251.)

An Act to make free persons of color competent witnesses in the Courts of this State, in certain cases therein mentioned, and to authorize the making and declaring of force, affidavits by them, in certain cases.

3. SEC. I. *The Senate and House of Representatives of the State of Georgia, in General assembly met, do enact*, That from and after the passage of this Act, free persons of color shall be competent witnesses in all the Courts of this State, in civil cases, whereto a free person of color is a party, and in all criminal cases wherein a free person of color is defendant, or wherein the offence charged is a crime or misdemeanor, against the person or property of a free person of color, any law, usage, or custom, to the contrary notwithstanding. Free persons of color—competent witnesses.

May make affidavit as other litigants.

4. SEC. II. That in all cases hereafter pending or about to be instituted, wherein a free person of color is a party plaintiff, or defendant, it shall be competent for such free person of color to make and file any affidavit, now by law, allowed a citizen to advance the remedy, or aid the defence, and when so made and filed, in conformity with law, such action shall be had thereon, as though the said affidavit had been made and filed by any other litigant.

Approved 15th December, 1865.

(No. 252.)

An Act to prescribe and regulate the relation of Husband and Wife between persons of color.

Relation of husband and wife.

If two or more reputed wives or husbands.

Failing to comply with provisions of this Act.

5. SEC. I. *The General Assembly of the State of Georgia do enact,* That persons of color, now living together as husband and wife, are hereby declared to sustain that legal relation to each other, unless a man shall have two or more reputed wives, or a woman two or more reputed husbands. In such event, the man, immediately after the passage of this Act by the General Assembly, shall select one of his reputed wives, with her consent; or the woman one of her reputed husbands, with his consent; and the ceremony of marriage between these two shall be performed. If such man, thus living with more than one woman, or such woman living with more than one man, shall fail or refuse, to comply with the provisions of this section, he or she shall be prosecuted for the offence of fornication, or fornication or adultery, or, fornication and adultery, and punished accordingly.

Approved 9th March, 1866.

(No. 253.)

An Act to prescribe and regulate the relation of Parent and Child among persons of color, in this State, and for other purposes.

Parent to maintain children.

Obligations of children.

Declared legitimate.

6. SEC. I. *The General Assembly of the State of Georgia do enact,* That among persons of color, the parent shall be required to maintain his, or her children, whether legitimate or illegitimate.

7. SEC. II. That children shall be subjected to the same obligations, in relation to their parents, as those which exist in relation to white persons.

8. SEC. III. That every colored child heretofore born, is declared to be the legitimate child of his mother, and also, of his colored father, if acknowledged by such father.

SEC. IV. Repeals conflicting laws.

Approved 9th March, 1866.

(No. 254.)

An Act to carry into effect the ninth clause of the first section of the fifth article of the Constitution.

9. SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That from, and after the passage of this Act, if any officer shall knowingly issue any marriage license to parties, either of whom is of African descent, and the other, a white person, such officer shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than two hundred dollars, nor more than five hundred dollars, or be confined in the common jail three months, or both, in the discretion of the Court.

Issuing license for marriage of white person and one of African descent, misdemeanor. Penalty.

10. SEC. II. That if any officer, or Minister of the Gospel, shall marry such persons together, he shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than five hundred dollars, nor more than one thousand dollars, or be confined in the common jail six months, or both, in the discretion of the Court.

Marrying such a misdemeanor. Penalty.

Approved 7th March, 1866.

TITLE XXXII.

RELIEF.

SEC. 1. Levy and sale under execution suspended. Proviso. One-fourth of debt to be paid annually.
" 2. Cases excepted.
" 3. Statutes of limitation suspended.
" 4. Persons violating Act liable in damages.
" 5. When security may cause levy and sale.
" 6. Stay of execution.
" 7. Issue of bills and bonds of City of Atlanta legalized.
" 8. Property of City liable. Redeemed when due. Not again issued.
" 9. Gold value of consideration.
" 10. Certain physicians relieved from penalties. Proviso.
" 11. First cousins who have married relieved from penalties. Marriages legalized.
SEC. 12. Certain marriages legalized.
" 13. Certain persons who were Soldiers, released from arrest, bonds, &c. Relieved from penalties. Proof of acting under orders.
" 14. Not liable in action of damages.
" 15. Solicitors General to *Nol Pros* certain prosecutions.
" 16. Suits before civil tribunals not prevented.
" 17. Securities on bonds for criminal offences during the war, relieved. Conditions.
" 18. Principal on bond having enlisted before forfeiture, security relieved. Costs to be paid.

(No. 255.)

An Act for the relief of the people of Georgia, and to prevent the levy and sale of property, under certain circumstances, and within a limited period.

WHEREAS, During the late war the State of Georgia has been overrun by the opposing armies; the accumulated crops and agri- Preamble.

cultural stock, in a great measure, destroyed; the Confederate indebtedness held by the people, in exchange for their products, has become valueless; the obligations of the State eagerly sought after as a safe investment, have been repudiated; the accumulated capital of nearly a century, represented by slave labor, amounting to nearly three hundred millions of dollars, has been destroyed, and the prospect of successful agriculture, the basis of all value, now dependent on the voluntary labor of the freedmen, is a question of doubt and experiment, therefore:

Levy and sale suspended.

1. SEC. I. *The General Assembly of the State of Georgia do enact*, That there shall be no levy or sale of property, of defendants in this State, under any execution, founded on any judgment, order or decree of any Court heretofore, or hereafter to be rendered, upon any contract or liability, made or incurred prior to the 1st June 1865.;

Proviso.

One fourth debt to be paid annually.

Provided, The said defendant shall pay, or cause to be paid, during each year, one-fourth part of the amount of principal and interest, of such execution; or of the debt, or claim, on which such execution has been, or may hereafter be obtained, so that the entire indebtedness shall be paid, in four years from the first day of January, 1866, the first installment to be paid by the 1st January 1867, and the fourth and last, by the 1st January 1870.

Cases excepted.

2. SEC. II. That this Act shall not apply to executions for costs, nor to rules against officers for money, nor to any process issued against persons holding money or effects, as bailees, nor to cases where plaintiff shall make oath, that defendants have absconded, are absconding, or have removed, or are removing, their property, or fraudulently conveying, secreting or concealing the same, to avoid the payment of their just debts, nor to orders for alimony, and fines for neglect of road duty, or processes, issued by Ordinaries, for the support of widows and orphans.

Statutes of limitation suspended.

3. SEC. III. That all statutes of limitation, relating to liens, affected by this Act, shall be suspended during the continuance of the Act.

Violation of this Act.

4. SEC. IV. That any officer or other person violating this Act, shall be guilty of trespass, and liable to the defendant in damages, not less than the amount of the judgment, order or decree, upon which he is proceeding, as in other cases of trespass.

When security may cause levy and sale.

5. SEC. V. That any security upon any debt or demand, for which executions may have been, or may be issued, during the continuance of this Act, shall have the right, with, or without, the consent of plaintiff, to cause a levy and sale to be made, whenever the security shall make oath that the principal defendant has brought himself within the provisions of the 2nd section of this Act.

Stay of execution.

6. SEC. VI. That whenever any plaintiff or security, shall attempt to have an execution levied, for any of the causes stated in the 2nd section, the defendant may stay the said execution, by filing with the levying officer his affidavit, denying the existence of said cause, and in giving bond and security, in double the amount

of the execution, conditioned to pay the plaintiff the amount due on said execution, during the four years, as hereinbefore provided for, in other cases; and where the defendant is unable to give security, he may make his affidavit of inability, as provided for in cases of appeals, in section 3543d, of the Code of Georgia.

SEC. VII. Repeals conflicting laws.

In Senate, passed over the veto of His Excellency the Governor, by a vote of two-thirds, March 6th, 1866.

WM. GIBSON,
President of the Senate.

JNO. B. WEEMS,
Secretary of Senate.

In House, passed over the veto of His Excellency the Governor, by a vote of two-thirds, ayes 121, nays 7, March 8th, 1866.

THOS. HARDEMAN, Jr.,
Speaker of the House of Representatives.

J. D. WADDELL,
Clerk of House.

(No. 256.)

An Act to legalize the issue of bills and bonds by the Mayor and Council of the City of Atlanta.

Preamble.

WHEREAS, For the purposes of police, health and charity, the Mayor and Council of the City of Atlanta have heretofore issued divers bills and bonds upon the credit of said city:

Issue legalized.

7. SEC. I. *Be itenacted*, That said issues are hereby made legal.

Property of city liable for.

8. SEC. II. That all the property, both real and personal, of said city, be, and is hereby made liable for the payment of said bills and bonds, and that said bills and bonds shall be redeemed when due, and presented according to law, and shall not again be issued after their redemption.

To be redeemed when due.

Not to be again issued.

9. SEC. III. That this Act shall take effect from the date of its approval by the Governor, *provided*, the said bills and bonds shall be paid at the value of the consideration given for the same, estimated in reference to the gold value of said consideration, and not according to the nominal amount of said bills and bonds.

Gold value of consideration for.

I approve this Act, believing that the proviso, which I disapprove, is inconsistent with the body of the Act, and therefore void.

5th February, 1866.

CHARLES J. JENKINS,
Governor.

(No. 257.)

An Act for the relief of certain Physicians in this State.

Physicians relieved from penalty.

Proviso.

10. SEC. I. *The General Assembly of the State of Georgia do enact*, That the penalty prescribed in section thirteen hundred and forty-six of the Code of Georgia, for practicing medicine without a license, shall not be enforced against any physician, for practicing medicine, or surgery, in this State, at any time since the adoption of the Code, and before the passage of this Act; *Provided*, That this Act shall not exempt any person from such penalty except such as are graduates of some medical college, in the United States, and have diplomas from such college, or those who have heretofore practiced under a license.

SEC. II. Repeals conflicting laws.

Approved 6th March, 1866.

(No. 258.)

An Act to legalize marriages between first cousins, which have been contracted since 11th December, 1863.

Relieved from penalties.

Marriages legal.

11. SEC. I. *Be it enacted*, That all first cousins, who have heretofore intermarried since the eleventh day of December, 1863, are hereby relieved from any penalties they may have incurred, under the laws of this State, and that such marriages are hereby declared legal.

SEC. II. Repeals conflicting laws.

Approved 28th February, 1866.

(No. 259.)

An Act to legalize certain Marriages in this State.

Preamble.

WHEREAS, Civil law has recently been suspended in certain portions of this State, for a considerable length of time, and persons living in such portions of the State, were, during the time of such suspension, unable to obtain a proper marriage license; *and whereas*, certain persons assumed the right to issue marriage licenses in such cases, and many persons being thus deprived of the power to obtain a legal license, and desiring to be married, did obtain a license from persons not legally authorized to issue the same, and were, in good faith, married, under, and by virtue of such license, and are now living together as married persons; *and whereas*, this violation of the law, was caused solely by the inability of the parties to comply with the law:

12. SEC. I. *Be it therefore enacted by the General Assembly of the State of Georgia*, That where any persons have been married in good

faith, during the suspension of civil law and where such marriages were solemnized, under, and by virtue of any license, or pretended license, and such marriages were publicly made, and the parties are now living together as husband and wife, that such marriages are hereby legalized and made valid, to all intents and purposes, and declared to be valid and binding, from the date of the solemnization thereof, in as full and ample a manner, as if such marriages had been made and solemnized, under, and by virtue of a license properly issued. Certain marriages legalized.

SEC. II. Repeals conflicting laws.

Approved 17th March, 1866.

(No. 260.)

An Act for the relief of all persons who were bona fide soldiers of the army of the late Confederate States, for acts done, or committed, under an order, or orders, from any officer of the same; also, to relieve officers for any act done under orders from a superior officer.

13. SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That all persons under arrest, or bond or bonds, or in imprisonment, for any impressment of property, or for any other offence done or committed in good faith, under an order of any officer of said army, before the final surrender of the army and forces of the late Confederate States, be and they are hereby released from the same; and it is hereby enacted, by the authority aforesaid, that no person, or persons guilty as aforesaid, shall be liable to any penalty for the same, whether they have been yet arrested or not, provided that it shall first be proven to the Court having jurisdiction, or a Judge of the Superior or Justice of the Inferior Court, upon a writ of *Habeas Corpus* or otherwise, that said person or persons so claiming to belong to the army as aforesaid, was acting under the order or orders of an officer having the right to give or make such order. Released from arrest, bonds, or imprisonment. Not liable to penalty. Proof of acting under order.

14. SEC. II. That said persons mentioned in the first Section of this Act, shall not be liable in any action of damages, or other action, for any act or deed done or committed before the said final surrender of the said army or forces of the said late Confederate States, when such person can show he acted under the order of any officer of the army having the right to give or make such order. Not liable for action of damages, or other action.

SEC. III. Repeals conflicting laws.

Ayproved 15th February, 1866.

(No. 261.)

An Act requiring certain criminal prosecutions to be Nol Pross'd.

Preamble.

WHEREAS, During the existence of the late war, there were many alleged misdemeanors and felonies committed in the State of Georgia, by soldiers of the Federal and Confederate armies; and whereas, by General Order No. 29, issued by Major General Thomas, it is ordered that no Federal soldier shall ever be arrested for any offence committed by him when acting under orders from a superior officer; therefore,

Sol. Genl. to Nol. Pros.

15. SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met*, That the Solicitors General of the State of Georgia be, and they are hereby authorized, the presiding Judge consenting thereto, to *Nol Pros* all criminal prosecutions which may now be pending, or may hereafter be instituted against all soldiers regularly in the service of the Federal or Confederate armies, for any offence committed under the orders of a superior officer authorized to give such order, during the late war, and prior to the surrender of General Joseph E. Johnston, and Brigadier General William T. Wofford, of their respective Departments.

Rights before civil tribunals.

16. SEC. II. That nothing in this Act contained shall be so construed as to prevent any one from prosecuting their rights before the civil tribunals.

SEC. III. Repeals conflicting laws.

Approved 5th March, 1866.

(No. 262.)

An Act to relieve securities upon bonds for criminal offences committed during the war with the United States, upon certain conditions.

Securities relieved.

17. SEC. I. *Be it enacted*, That from and after the passage of this Act, all securities in this State upon bonds for criminal offences committed before or during the late war with the United States, shall be released and relieved from the payment of said bonds, upon the following conditions: when it shall appear to the presiding Judge that the criminal entered the service of his country and has never returned, or has left the country on account of duties performed or circumstances growing out of the late war, or when, by reason of the public duties required of the security, he was prevented from taking charge of his principal, or preventing his escape; or from the disorganized condition of the country, the security was hindered or prevented from surrendering his principal, said security shall be relieved.

Conditions.

SEC. II. Repeals conflicting laws.

Approved 7th March, 1866.

(No. 263.)

An Act for the relief of securities on recognizances in certain cases.

WHEREAS, Many persons have heretofore become security on recognizances for the personal appearance of parties at the Superior Courts of this State, who, after the execution of said bonds, enlisted in the Confederate army and navy; and *whereas*, many of said recognizances either have been or are liable to be forfeited, to the great injury of said securities; for remedy whereof, Preamble.

18. SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That in all cases in the Superior Courts of this State, where such recognizances have been forfeited, or are liable to be forfeited, and the principal did, before such forfeiture, enlist in the Confederate army or navy, and cannot now be found or produced, the security, or securities, on such recognizances, may, in the discretion of the Court, be and they are hereby relieved from all pains, penalties, and liabilities of the same, upon full payment of all costs, which may have accrued up to the time of the release of said securities; any law, usage, or custom to the contrary notwithstanding. Principal having enlisted before forfeiture, security may be relieved. Costs to be paid.

Approved 5th February, 1866.

TITLE XXXIII.

ROADS AND BRIDGES.

Sec. 1. Office of Superintendent of Roads and Bridges for certain counties. Election of. Commission. Justices may remove. Right to appeal.
" 2. Must give bond and security.
" 3. To appoint overseers of Roads, &c. Duties of.
Sec. 4. Superintendent to collect fines, &c. Compensation.
" 5. Any county may adopt provisions of Act.

(No. 264.)

An Act to provide for the election of a Superintendent of Public Roads and Bridges in the counties of Wilkes, Muscogee and Lincoln, and such other counties as may adopt the provisions of this Act, and to define his rights and duties, and to repeal all laws inconsistent with this Act.

1. SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That all laws providing for the appointment of Road Commissioners for the counties of Wilkes, Muscogee and Lincoln, and such other counties as may adopt the provisions of this Act, and vesting any authority in them, be and the same are hereby re-

pealed; and that from and after the passage of this Act, the same authority, rights and duties vested in and obligatory on the Road Commissioners in the counties of Wilkes, Muscogee and Lincoln, be and the same are hereby vested in and conferred on one officer, to be styled "Superintendent of Roads and Bridges," to be elected once in two years, at the same time and place as other county officers, and by the same electors, (except that the first election for this officer shall take place on the first Tuesday in April, 1866, and his term of office shall expire January 1st, 1868,) the returns of said elections to be made to the Justices of the Inferior Court of each of said counties, and a commission to be issued to the officer by them; said Justices to determine who is elected, and to order a new election where no one is elected, or where a vacancy occurs from any cause in said officer, and for sufficient cause made known to them, to remove said officer, and to have the same authority and control over said officer as over Road Commissioners. But when any such Superintendent is so removed, he shall have the right to appeal to the Superior Court of the county of which he is Road Superintendent, and there have his case tried by a special Jury, in such manner as the presiding Judge may direct.

Office of Superintendent of roads and bridges for certain Counties.

Election of.

Compensation.

Justices may remove.

Right to appeal.

2. SEC. II. When such Superintendent is elected, he shall when commissioned give bond and security in the sum of one thousand dollars, faithfully to discharge his duties, which bond shall be taken by said Justices of the Inferior Court, and shall be for the benefit of any citizen of the county or State who may be injured by the non performance of duty by said officer.

Bond and security.

3. SEC. III. Said Superintendent shall have authority to appoint overseers of the roads in the counties of Wilkes, Muscogee and Lincoln, who shall be obliged to serve for one year when so appointed, and again be liable to reappointment after four years, and such overseer shall be obliged to work the roads with such hands or labor as may be appointed by said Superintendent, and said Superintendent shall have the right to work the public roads not only with the hands liable to do road duty, but also with such criminals as may be turned over to him, and such criminals when so employed shall be supported as the Justices of the Inferior Court, and under such regulations as the Judges of the Inferior Court may prescribe.

May appoint overseers of roads.

4. SEC. IV. It shall be the duty of said Superintendent to collect, as Road Commissioner, all fines and dues for failure to work the roads, and faithfully account for the same with the County Treasurer, and said Superintendent shall receive as his compensation annually from the County Treasurer of Wilkes and Muscogee counties, the sum of four hundred dollars, and for the county of Lincoln the sum of two hundred and fifty dollars.

To collect all fines, &c.

Compensation.

5. SEC. V. That the Justices of the Inferior Court of any other county in this State, upon the recommendation of the Grand Jury of said county, may adopt the provisions of this Act, and the

Other Counties may adopt provisions of this Act.

Justices aforesaid may fix the salary of the Superintendent of Roads in their respective counties.

SEC. VI. Repeals conflicting laws.

Approved 10th March, 1866.

TITLE XXXIV.

SALARIES AND FEES.

Sec. 1. Salary of Supt. of W. & A. R. R.
" 2. Offices of Secretary of State and Surveyor General consolidated.
" 3. Salaries of Secretary of State. Comptroller. Treasurer. Librarian.
" 4. Compensation of officers and members of General Assembly.
" 5. Salaries of Judges of Supreme Court.
" 6. Of Judges of Superior Courts.
" 7. Of Reporter of Supreme Court.
" 8. Solicitors and Attorney General.
Sec. 9. Secretaries Executive Dept. Messenger.
" 10. Clerks of Comptroller General and Treasurer. Librarian.
" 11. Compiler's compensation. Proviso.
" 12. Laws to be delivered to order of Clerk of Inferior Court.
" 13. Fees of Clerk of Supreme Court.
" 14. Fees of County officers payable in currency.

(No. 265.)

An Act to increase the salary of the Superintendent of the Western and Atlantic Rail Road.

WHEREAS, On account of the enhanced price of subsistence, labor, &c., the services of an experienced and competent Rail Road man can not be procured, to take charge of the Western and Atlantic Rail Road, for and at the compensation now allowed by law, for remedy whereof, Preamble.

1. SEC. I. *Be it enacted by the Senate and House of Representatives,* That the salary of said Superintendent be five thousand dollars per annum, the same to be paid as heretofore. Salary $5,000.

SEC. II. Repeals conflicting laws.

Approved 13th February, 1866.

(No. 266.)

An Act to consolidate the offices of Secretary of State and Surveyor General, and to provide salaries for the Comptroller General, State Treasurer and Secretary of State and Librarian.

2. SEC. I. *Be it enacted by the General Assembly,* That the offices of Secretary of State and Surveyor General be and the same are hereby consolidated; and that the Secretary of State be and he is hereby required to discharge the duties of both of said offices. Offices of Secretary of State and Surveyor General consolidated.

3. SEC. II. That hereafter the salary of Secretary of State,

Salaries of State House officers.

for the duties required of him in this Act to be performed, shall be the sum of two thousand dollars per annum; the salary of Comptroller General shall be two thousand dollars per annum; and the salary of State Treasurer shall be two thousand dollars per annum, and the salary of the State Librarian shall be one thousand dollars per annum.

SEC. III. Repeals conflicting laws.

Approved 15th December, 1866.

(No. 267.

An Act to fix the amount of compensation the members and officers of the General Assembly shall receive for their services, until otherwise altered by law.

4. SEC. I. *The General Assembly of the State of Georgia do enact*, That until otherwise altered by law, the members and officers of the General Assembly shall receive compensation for their services as follows: The President of the Senate and Speaker of the House of Representatives shall receive each the sum of twelve dollars per day, and the sum of five dollars for every twenty miles of travel going to and returning from the Seat of Government, the distance to be computed by the nearest route usually travelled; and that each member of the General Assembly shall receive the sum of nine dollars per day, and the sum of five dollars for every twenty miles of travel going to and returning from the Seat of Government, the distance to be computed by the nearest route usually travelled.

Per diem and mileage of Pres. of Senate and Speaker of House.

Of members.

Approved 17th March, 1866.

(No. 268.

An Act to fix the salaries of the Judges and certain other officers of the State of Georgia.

5. SEC. I. *Be it enacted, &c.*, That from and after the passage of this Act, the salaries of the Judges of the Supreme Court shall be thirty five hundred dollars each per annum.

Salaries of Judge of Supreme Court.

6. SEC. II. The salaries of the Judges of the Superior Courts shall be twenty-five hundred dollars each per annum.

Superior Courts.

7. SEC. III. The salary of the Reporter of the Supreme Court shall be one thousand dollars per annum.

Reporter.

8. SEC. IV. The salaries of the Solicitors General and of the Attorney General shall be three hundred dollars each per annum.

Solicitors and Attorney General.

9. SEC. V. The salaries of the Secretaries of the Executive Department shall be eighteen hundred dollars each per annum, and of the Messenger of the Governor, nine hundred and fifty dollars per annum.

Secretaries Ex. Dept.

Messenger.

10. SEC. VI. That the salary of the Clerks of the Comptroller General and Treasurer shall be sixteen hundred dollars each, and

Clerks of Comptroller and Treasurer.

that the salary of State Librarian shall be twelve hundred dollars. Librarian.

SEC. VII. Repeals conflicting laws.

Approved 15th February, 1866.

(No. 269.)

An Act to increase the pay of the Compiler, and provide for the early distribution of the laws.

WHEREAS, It is important that the laws should be printed and distributed as soon as possible, therefore,

11. SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That the Governor be and he is hereby authorized to pay the Compiler of the laws seven hundred and fifty dollars instead of five hundred dollars, as prescribed in the Code; *Provided*, the Compiler shall employ such assistance as may be requisite to have the laws ready for distribution in the shortest possible time, to be judged of the Governor. Compiler's compensation. Proviso.

12. SEC. II. That so soon as the laws are ready, notice of the fact being given in the papers of Milledgeville, the number of copies assigned to any county shall be delivered to the order of the Clerk of the Inferior Court of said county, or sent as may be directed by him, in advance of the distribution of the laws and journals as provided in the Code. Copies of laws to be delivered to order of Clerk of Inferior Court.

SEC. III. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 270.)

An Act to increase the fees of the Clerk of the Supreme Court, and regulating the fees of Ordinaries, Clerks, Sheriffs, and other county officers.

13. SEC. I. *The General Assembly do enact*, That from and after the passage of this Act, the fees of the Clerk of the Supreme Court shall be as follows, to-wit: For entering and carrying case to judgment, six dollars; recording opinion, six dollars; remitter, including certificate and seal, two dollars. Fees of Clerk of Supreme Court.

14. SEC. II. That the fees of Ordinaries, Clerks of the Superior and Inferior Courts, and Sheriffs and other county officers, shall be payable in currency, upon the rates of fees now provided by the Code. Fees of County officers payable in currency.

SEC. III. Repeals conflicting laws.

Approved 19th March, 1866.

TITLE XXXV.

SEAL.

Sec. 1. Seal adopted for office of Secretary of State.

(No. 271.)

An Act to establish the Seal to be used in the office of the Secretary of State, and to adopt the Seal prepared under the Act, assented to on the 14th day of December, 1861, as the Seal for the office of the Secretary of State.

Seal adopted

1. Sec. I. *Be it enacted by the General Assembly of the State of Georgia*, That the Seal prepared by the Committee, under the Act assented to on the 14th day of December, 1861, be and the same is hereby adopted as the Seal of the office of the Secretary of State.

Sec. II. Repeals conflicting laws.

Approved 5th February, 1866.

TITLE XXXVI.

TAXES, &c.

Sec. 1. Governor to assess per centage to produce $350,000, exclusive of specific taxes.
" 2. Specific taxes. Poll tax. Practitioners of Law, &c. Daguerreans, &c. Auctioneers. Billiard tables. Bagatelle do. Ten pin alleys. Other tables, stands, &c. Race tracks. Circuses. Gift lotteries. Spiritnous liquors sold.
" 3. Spiritnous liquors sold exempt from ad valorem tax.
" 4. Oath of tax payers. Comptroller to publish list of questions.
" 5. Taxes on basis of U. S. currency.
" 6. Laws levying income tax repealed.
" 7. Exemptions from taxation in Sec. 729 of Code.
" 8. Taxes of 1864 and 1865 remitted.
" 9. Tax Collectors for 1864 and 1865 to make affidavit.
" 10. Treasury notes returned to be burned.
" 11. Comptroller to cancel accounts.
" 12. To enter amount of notes burned.
" 13. Governor may arrest State land tax in certain events.
" 14. Lands forfeited or sold for taxes may be redeemed. On what terms. Taxes how estimated.
Sec. 15. To what cases act applies. Time limited.
" 16. Duty of Secretary of State.
" 17. Inferior Court to levy extra tax for indigent soldiers, &c.
" 18. To make list of those entitled to benefits.
" 19. List to be filed. Distribution of fund.
" 20. Collection of tax.
" 21. Act not compulsory. Tax may be annual.
" 22. May be paid in kind.
" 23. Inferior Court in certain cases to act without Grand Jury.
" 24. Clerk to forward copy of list to the Governor.
" 25. County bonds may be issued to pay indebtedness of counties.
" 26. How sold.
" 27. Limited in amount.
" 28. County Treasurer may be authorized to receive advance of taxes from tax payers. To issue scrip for. Redeemable in taxes.
" 29. Advances on taxes. How long to be received.
" 30. Estimate of indebtedness.

(No. 272.)

An Act to levy and collect a tax for the support of the Government for the year 1866, *and for other purposes.*

1. SEC. I. *The General Assembly do enact*, That His Excellency, the Governor, with the assistance of the Comptroller General, so soon as the value of taxable property in this State is ascertained, from the consolidated returns from all the counties thereof, shall proceed to assess and levy such a per centage on the taxable property as will produce, in the estimation of the Governor, the sum of three hundred and fifty thousand dollars, exclusive of specific taxes. *Per centage to produce $350,000.*

2. SEC. II. In addition to the ad valorem tax on real and personal property, as specified in the Code, and assessed in the preceding Section, the following specific taxes shall be levied and collected: *Specific taxes.*

1. A tax of one dollar upon each and every male inhabitant of this State on the first day of April, between the ages of twenty one and sixty years. *Poll tax.* When this tax is due and unpaid by any person who has no property, and is in the employment of another as a laborer, it shall be the duty of the Tax Collector to serve a written notice on the employer, specifying the amount of tax due by the employee, which notice shall operate as a garnishment upon the employer, and shall authorize and bind him to pay said tax

from any wages, effects, or money in his hands due to the laborer or employee, and execution shall issue as in other cases for taxes due, against the employer for the amount.

Practitioners of law, &c.

2. Upon every Practitioner of Law, Physic and Dentistry, ten dollars.

Daguerreans, &c.

3. Upon every Daguerrean, Ambrotype, Photographic and similar Artist, ten dollars.

Auctioneers.

4. Upon every person carrying on the business of Auctioneer, twenty-five dollars.

Billiard tables.

5. Upon every keeper of a pool or billiard table, kept for public play, twenty-five dollars for each table.

Bagatelle.

6. Upon every keeper of a bagatelle table for public play, ten dollars for each table.

Ten pin alleys.

7. Upon every keeper of a ten pin alley, or alley of like kind for public play, ten dollars.

Other tables, &c.

8. Upon every keeper of any other table, stand or place for any other game or play, with or without a name, unless for exercise or amusement only, and not prohibited by law, ten dollars.

Race tracks.

9. Upon every keeper or owner of a public race track, fifty dollars.

Circus Co's.

10. Upon every circus company, for each exhibition, twenty-five dollars.

Gift lotteries.

11. Upon every agent of, or person engaged in, any gift lottery, or enterprise of like character in any county of this State, the sum of one thousand dollars. It shall be the duty of the Tax Collector, immediately upon the opening of an office by any person for the purpose of selling tickets in any such lottery or enterprise, or of selling or offering such tickets for sale in any manner, to levy and collect the said tax from any property of said person to be found.

Spirituous liquors sold.

12. There shall be levied a specific tax of twenty cents per gallon on every gallon of brandy, gin, whisky or rum, whether foreign or domestic, which is sold by any person in this State, by wholesale or retail, except by distillers and manufacturers in this State, and the amount sold shall be given in under oath.

Quarterly returns.

Quarterly returns on oath shall be made on the first days of April, July, October and January, in each year, by all persons within the county, who sell liquor either by wholesale or retail, of the amount sold during the quarter preceding. Said returns shall be made to the Tax Collector of the county, who shall demand and collect the tax due when the return is made. It shall be the duty of the Tax Collector to require all persons selling said liquors, to make their returns and pay the tax thereon, and if any person shall fail or refuse to make his returns, and to pay said tax, he shall be assessed by the Collector a specific tax of one thousand dollars, and the Collector shall proceed to collect the same by execution, as in other cases of taxes due and unpaid.

Failure to make returns.

Exemption from ad valorem tax.

3. SEC. III. The spirituous liquors specially taxed in the preceding Section shall be exempted from the ad valorem tax.

4. SEC. IV. The oath to be administered to all persons making

returns of their taxable property, shall be in the words following, to-wit: "You do solemnly swear that you will true answers give to all lawful questions which I may put to you, touching the return you are about to make, and that you will make a true return of all your taxable property, so help you God." And it shall be the duty of the officer taking said return to enquire of each and every person taking said oath, touching all of his taxable property, or his liability for specific taxes as named in this Act, and the Comptroller General shall publish a list of all questions to be propounded to tax payers.

Oath of tax payer.

Comptroller to publish list of questions.

5. SEC. V. The taxes assessed under this Act shall be collected in United States currency, and the value of the property on the first day of April next, in such currency, shall be the basis of the taxes.

Taxes in U. S. currency.

6. SEC. VI. That all laws heretofore passed levying and collecting a tax upon income be and the same are hereby repealed.

Income tax repealed.

7. SEC. VII. That nothing in this Act contained shall be so construed as to repeal or affect Section 729 of the revised Code of Georgia, exempting certain property from taxation.

Exemptions.

SEC. VIII. Repeals conflicting laws.

Approved 3rd March, 1866.

(No. 273.)

An Act to remit the taxes due from tax payers for the year 1864 *and* 1865, *and for other purposes.*

8. SEC. I. *The General Assembly of the State of Georgia do enact,* That all taxes now due from the tax payers of the State of Georgia, levied upon them for the years 1864 and 1865, be and the same are hereby remitted, and shall not henceforth be collected.

Taxes remitted for 1864, 5.

9. SEC. II. That before any of the Tax Collectors for the years 1864 and 1865, who have not already settled their accounts in full at the Treasury, shall be released from their bonds, they shall make affidavit that they have paid all the money into the Treasury of the State that they have collected from the tax payers, except commissions of the Tax Receiver and their own commissions; or when they have not paid into the Treasury all the money thus collected, they shall return the same to the Justices of the Inferior Court of their county, with an affidavit that the money they returned is all the money they have collected of the tax payers of said county, except the Receiver's and Collector's commissions, and except what they have paid into the Treasury, and that they have not exchanged with any one, State Treasury notes for Confederate Treasury notes, except for the purpose of making the usual change with tax payers in the payment of their taxes. When they return both State and Confederate Treasury notes, said Tax Collector shall state in his affidavit the amount of each he returned to the said Justices of the Inferior Court.

Tax collectors to make affidavit.

10. SEC. III. That when a return by any Collector, as provided in preceding Section, it shall be the duty of the Justices of the Inferior Court of the county, when said return is made, to immediately burn said notes thus returned to them, and keep a record of the same, and give the Collector a certificate as to the burning of said notes.

Notes to be burned.

11. SEC. IV. That upon a return of the affidavit, or affidavits and certificate provided for in Section second of this Act, the Comptroller General shall cancel the account in his office against said Collector, and shall return to said Collector a certificate of payment in full of said account.

Comptroller to cancel accounts.

12. SEC. V. That when a return of State or Confederate notes has been made to the Justices of the Inferior Court of any county, and been burned by them, it shall be the duty of said Comptroller General to enter the amount of each class of notes thus burned, upon the account in his office against the Tax Collector who makes such returns.

To enter amt. of notes burned.

SEC. VI. Repeals conflicting laws.

Approved 10th March, 1866.

(No. 274.)

An Act to authorize the Governor, under certain circumstances, to arrest the State tax upon land for the year 1866.

13. SEC. I. *Be it enacted, &c.*, That in the event that His Excellency, the Governor, should not be able by issuing bonds to pay the land tax levied by the United States Government, amounting to five hundred and eighty-four thousand, three hundred and sixty-seven dollars and thirty-three cents, ($584,367 33,) so that the same will have to be paid by the owners of land so taxed, that then and in such case, His Excellency, the Governor, be and he is hereby authorized to arrest the collection of so much of the State tax as is levied on lands in the State, by virtue of the tax bill, to raise a revenue for the year 1866.

Governor may arrest State land tax in certain event.

SEC. II. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 275.)

An Act allowing the redemption of lands forfeited or sold for taxes due the State, or any county, or city thereof, by paying the taxes of each, and the legal rate of interest per annum thereon, together with costs which may have accrued.

14. SEC. I. *The General Assembly of the State of Georgia do enact*, That all persons owning lands in this State, who are in arrear for taxes thereon, for the last six years, shall be allowed to redeem the same by paying the taxes thereon, assessed for State, county and city purposes, for each year, and the legal interest thereon, from

Lands redeemed on what terms.

Levy an extra tax for support of indigent soldiers' families. Raise funds to discharge Co. indebtedness

the time when payable to the date of payment, together with all costs which may have accrued. The tax for each year shall be estimated at the same rate as was imposed on the same lands in the year 1860. Taxes how estimated.

15. SEC. II. The provisions of this Act shall apply to all cases of taxes in arrear, whether the lands have been forfeited or have been sold and purchased by the State, and have not passed into the hands of third parties, but shall not apply to taxes that may hereafter become due. And all provisions of any act or law contravening the provisions of this Act, are hereby suspended for the period of eighteen months, and no longer, after which period, all Acts and laws suspended by this Act shall be revived. To which Act applied. Time limited.

16. SEC. III. This Act shall take effect from and after its passage, and it is hereby made the duty of the Secretary of State to send a printed copy of this Act to the Governors of the several States of the Union. Duty of Secretary of State.

Approved 24th February, 1866.

(No. 276.)

An Act to authorize the Inferior Courts of the several Counties to levy and collect an extra tax for the benefit of indigent soldiers and indigent families of deceased soldiers, of the Confederate and State troops, and for other purposes therein mentioned.

17. SEC. I. *The General Assembly of the State of Georgia do enact*, That from and after the passage of this Act, it shall be the duty of the several Inferior Courts of this State to levy and collect an extra tax in their respective Counties, not exceeding one hundred per centum upon the State tax, for the benefit of indigent soldiers and the indigent families of deceased soldiers, of the late Confederate and State troops; the same to be done upon the recommendation of the Grand Juries of the several Counties; the said Juries also recommending the per centum that shall be assessed. Inf. Court to levy extra tax for indigent soldiers, &c.

18. SEC. II. It shall be the duty of the Inferior Court of any County where such tax is levied, to make out or cause to be made out, a perfect and complete list of all those in said County who may be entitled to the benefit of said fund, and shall only embrace in said list the following persons, viz: To make list of those entitled to benefit.

1. The indigent soldiers of the late Confederate and State troops, who are in actual circumstances of want, and who, from wounds or disease contracted in the service of the State or Confederacy, are unable to support themselves or families. Indigent soldiers.

2. The indigent families, (including wives and children, fathers and mothers, brothers and sisters,) of deceased soldiers of the late Confederate or State troops, who are in circumstances of actual want, and who are unable by industry to earn a living. Families of deceased soldiers.

List to be filed.

19. SEC. III. This list, when made out, shall be placed on file in the Clerk's office of said Inferior Court, and the fund raised as aforesaid shall be distributed among those on the list, as said Court may, in its judgment, deem equitable and just.

Duty of officers of list.

20. SEC. IV. The same officers who collect the State tax, shall also collect the tax assessed by this Act, and when so collected, shall pay the same over to the County Treasurer, or to the Inferior Court, according as said Court may direct.

Act not compulsory.

21. SEC. V. Nothing herein contained shall be so construed as to be considered compulsory upon any County, it being the intention and meaning of this Act to leave the matter of taxation in the discretion of the Grand Juries and Inferior Courts of the several Counties. And so long as this Act stands unrepealed, the tax herein provided for can be levied annually by the Inferior Court whenever the Grand Jury shall so recommend.

May be annual.

May be paid in kind.

22. SEC. VI. It shall and may be lawful for any tax payer to pay his tax assessed under this Act "in kind," if he so prefers, by the consent of the Inferior Court, and under the direction of said Court.

Bonds may be issued.

23. SEC. VII. The Inferior Court may, in its discretion, issue County bonds for the purposes of this Act, or for any other purpose for which they have by law a right to collect a tax, instead of levying a tax as herein provided.

Inf. Court in certain cases to act without Grand Jury.

24. SEC. VIII. In all Counties where the Superior Court does not meet early in the spring, so as to allow the Grand Jury to take action, the Inferior Court may act on its own responsibility, and may proceed at once to levy and collect such tax as it may judge proper. And when the list contemplated in this Act shall be filed in the office of the Clerk of the Inferior Court, said Clerk shall at once forward a certified copy thereof to the Governor of the State.

Clerk to forward copy of list.

SEC. IX. Repeals conflicting laws.

Approved 10th March, 1866.

(No. 277.)

An Act to enable the Justices of the Inferior Court of the several Counties in the State of Georgia to raise a fund sufficient to discharge the indebtedness of the several Counties, and for other purposes.

Preamble.

WHEREAS, By reason of the repudiation of a large portion of the State debt, and the unavailability of the Confederate notes, in which two classes of indebtedness, the assets of the several Counties are chiefly represented, the said Counties will therefore be without funds until new taxes can be collected, for remedy thereof,

County bonds may be issued.

25. SEC. I. *Be it enacted, &c.*, That from and after the passage of this Act, the Justices of the Inferior Court of any County may authorize the Treasurer to issue bonds of said County, in such sums as may be deemed advisable, payable at a period not longer

than three years from the date thereof, bearing seven per cent. interest, payable semi-annually.

How sold.

26. SEC. II. That said bonds may be sold at such rate as may be offered by the highest bidders, after advertising the same for thirty days in some newspaper published at the County seat, and when there is no newspaper so published, then such advertisement shall be made in the newspaper published nearest thereto.

Limit in amount of.

27. SEC. III. That the amount of bonds so issued shall not be more than sufficient to realize the nett amount which may be required to pay off the existing indebtedness, and the current expenses of the County so issuing said bonds for the year 1866, according to the estimate of the County Treasurer, when made under the provisions of section 537, clause 7, of the Code of Georgia.

County Treasurer may be authorized to issue script for advance taxes.

28. Sec. IV. That the Justices of the Inferior Court of any County may authorize the County Treasurer to receive from any tax payer such sum of money, in advance of taxes, as such tax payer may be willing to pay, and issue therefor the script of the County, payable to bearer, with such rate of interest as may be fixed by the Justices of the Inferior Court of said County, such script to be redeemable in taxes, and to be transferable by delivery.

Advance taxes—how long received.

29. SEC. V. That these advances shall be received until the bidding on the bonds shall have expired, or for such longer period as the Justices of the Inferior Court may deem advisable, and the bonds authorized to be issued, by the first Section of this Act, shall only be issued for such sum as may be necessary to discharge the existing indebtedness, and pay off the current expenses after ascertaining the amount realized from the issuance of script under the provisions of the 4th Section of this Act.

What sum of bonds shall be issued.

Indebtedness estimated.

30. SEC. VI. That in estimating the existing indebtedness of the Counties accepting the benefit of this Act, the indebtedness shall be settled on equitable principles, having regard to the value of the consideration upon which such indebtedness may have been created, and not to the nominal amount of the same.

Construing the sixth Section as a limitation upon the amount of the proposed bonded debt, and not as a rule prescribed for the scaling of the existing debt, to govern the Judiciary, which latter object is not expressed in the title, I approve the Act, 6th February, 1866.

CHARLES J. JENKINS,
Governor.

TITLE XXXVII.

VENDUE MASTERS.

Sec. 1. Any citizen of State may be Auctioneer in city or town, by paying license, &c.

Sec. 2. Vendue master responsible for title of horse or mule, sold by him.

(No. 278.)

An Act to authorize the appointment of Vendue-Masters, in the several incorporated towns and cities of this State.

Any citizen may be auctioneer.

Conditions.

1. SEC. I. *Be it enacted*, That from and after the passage of this Act, any citizen of Georgia shall have the right to exercise all the privileges, powers and functions, of a Vendue-Master, or Auctioneer, in any city or town, in this State, by paying such license and giving such bond as may be demanded, or required, by the by-laws, rules, or ordinances, of the town or city in which said person may wish to exercise the calling of a Vendue-Master or Auctioneer, any usage or custom to the contrary notwithstanding.

SEC. II. Repeals conflicting laws.

Approved 21st February, 1866.

(No. 279.)

An Act to define the liabilities of Vendue-Masters, in certain cases.

Vendue Masters responsible for damages.

2. SEC. I. *The General Assembly of the State of Georgia do enact*, That from, and after the passage of this Act, all Vendue-Masters, who may sell, or dispose of, any horse or mule, shall be held responsible to the purchaser, for damages, in event that it be shown and proven, that the horse or horses, mule or mules, so sold by him, or them, was, or were stolen.

SEC. II. Repeals conflicting laws.

Approved 10th March, 1866.

TITLE XXXVIII.

WESTERN AND ATLANTIC RAIL ROAD.

Sec. 1. Superintendent to execute bond payable to United States.
" 2. To be countersigned by State Treasurer.
Sec. 3. Persons owning land on W. & A. R. R. may build stock gaps. Not to interfere with bed of road, or running of trains.

(No. 280.)

An Act to authorize the Superintendent of the Western and Atlantic Rail Road, and the Treasurer of the State, to execute a bond for the payment of certain purchases from the United States, and to pledge the faith of the State for the payment thereof.

1. SEC. I. *The General Assembly of the State of Georgia do enact,* That the Superintendent of the Western and Atlantic Rail Road shall have power, and be authorized, to execute a bond payable to the United States, or the proper agent thereof, for the sum of four hundred and sixty-four thousand, one hundred and fifty-two dollars and twenty-five cents, and to become due within a period not exceeding two years, in settlement of a debt, incurred in the purchase from the United States, of certain Rail Road property and assets, for the use of the said Western and Atlantic Rail Road. Superintendent to execute bond.

2. SEC. II. The said bond shall be signed by the Superintendent of the Western and Atlantic Rail Road, and countersigned by the State Treasurer, and bear interest at the rate of seven and three-tenths per cent, per annum, and the faith of the State of Georgia, is hereby pledged for the payment of said bond, so executed as aforesaid. Treasurer to countersign bond.

SEC. III. Repeals conflicting laws.

Approved 13th March, 1866.

(No. 281.)

An Act to permit certain persons to build stock gaps on the Western and Atlantic Rail Road.

WHEREAS, Under existing laws, no one owning land, through which the Western and Atlantic Rail Road passes, shall build any fence or other improvement, nearer than feet to the bed of said Road; *and whereas,* Sherman's Army destroyed nearly all the fences, and destroyed a great deal of the timber along the line of said road, in the State of Georgia, therefore: Preamble.

3. SEC. I. *Be it enacted by the Senate and House of Representatives,* That all persons in said State, owning land through which said road passes, have permission to build stock gaps on said road, where the line of their fences cross the same, and that they have the priv- Persons owning land thro' which W. & A. R. R. passes may build stock-gaps.

Right to inter. fence with road.

Construction of fences.

ilege of joining their fences to the same; *Provided*, That nothing in this Act shall be so construed as to permit said land owners to improperly interfere with the bed of said road, or to render it less safe, or to interfere with the running of the trains on said road.

SEC. II. Repeals conflicting laws.

Approved 5th February, 1866.

PART II.

PRIVATE AND LOCAL LAWS.

TITLE I. ACADEMIES.
" II. CITIES AND TOWNS.
" III. EXILE CAMP.
" IV. EXEMPTIONS.
" V. INDIAN SPRING RESERVE.
" VI. JUSTICES COURT.
" VII. KNOXVILLE CAMP GROUND.
" VIII. RELIEF.

PART II. PRIVATE AND LOCAL LAWS.

TITLE I.

ACADEMIES, &c.

Sec. 1. Chatham Academy, Free School or Union Society may sell interest in ungranted lands.
" 2. Society purchasing may survey and dispose of.
" 3. Disputes as to existence of lines previously run.
Sec. 4. Arbitration in case of occupation or improvement.
" 5. Acts relative to sale or lease of buildings or lands, of Glynn county Academy repealed.

(No. 232.)

An Act to authorize the Chatham Academy, the Free School, and the Union Society, to sell their interest in certain vacant lands in Chatham county, appropriated to them by an Act of the General Assembly of the State of Georgia, assented to, Dec'r. 29th, 1829, and for other purposes.

WHEREAS, The Legislature of the State of Georgia, did, by an Act assented to, Dec. 29th, 1829, entitled an Act to ascertain, dispose of, and appropriate the ungranted lands, in the county of Chatham, and to vest the same in certain charitable socities, viz: the Chatham Academy, the Free School, and the Union Society, appropriate certain lands therein mentioned, to the Societies aforesaid; *and whereas*, the benevolent intention of the State, as contemplated by said Act, has not been carried out, in consequence of the complication of the law, as well as a want of unanimity of action, on the part of the Societies; *and whereas*, there is a disposition on the part of one of these Societies, to purchase the interest of the others, and a disposition on the part of the others, to sell; *and whereas*, there are doubts as to the legality of such purchase, and sale, for remedy whereof:

Preamble.

1. SEC. I. *The General Assembly of the State of Georgia do enact*, That it shall, and may be lawful, for either of the aforesaid societies, to sell, alienate and convey, all their right, title and interest, in the above mentioned ungranted lands, unto either of the aforesaid societies, that may desire to purchase the same, and all the rights, privileges, and immunities, granted unto the aforesaid societies, by the Act assented to Dec'r 29th, 1829; also, an Act assented to March 1st, 1856, amendatory thereto, shall vest in, and are hereby granted unto the Society so purchasing.

Either of the societies may sell rights in ungranted lands.

Right to dispose of ungranted lands.

Power of Surveyor.

2. SEC. II. That the society so purchasing shall have the right to survey, and dispose of the aforesaid ungranted lands, in such manner, as in their judgment, will be most conducive to the interest of the society, and the Surveyor appointed, or chosen, by said society, shall be empowered, for the purpose of making his survey, and map, and fulfilling all the duties connected therewith, to cross existing lines, without being subject to the pains and penalties, in such cases made and provided; nor shall he be held civilly liable for trespass.

Surveyor may require production of original grants.

3. SEC. III. That if any dispute shall arise between the said Surveyor, and other parties, as to the existence of lines previously run, it shall, and may be lawful, for the said Surveyor to require the production of original grants and surveys, or either, in the possession, custody, or control, of the parties so claiming the existence of previous lines.

Arbitration.

4. SEC. IV. That where any person shall be in actual occupation of said vacant lands, or has purchased the same, and improved them, it shall, and may be lawful, for the society purchasing, to appoint one disinterested freeholder, and the person in possession, another, who, if they do not agree, shall call in a third freeholder, and place a value on said lands, exclusive of the improvements to made on them, and their judgment, or decision, shall be final and conclusive, and the person in possession, shall have the right of purchasing the same, at such valuation, and on such terms as the society and the purchaser may agree upon.

SEC. V. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 283.)

An Act to repeal an Act to authorize the Trustees of Glynn county Academy, to lease, or sell, the Academy building, and estate of said Academy, and to protect the property, and collect the funds of the same, and for other purposes therein named, assented to December 22nd, 1857; also, to repeal No. 119, of the Acts of 1858, amendatory of the above recited Act, assented to December 11th, 1858.

Acts repealed.

5. SEC. I. *Be it enacted, &c.*, That the above recited Act, assented to December 22nd, 1857, and the Act amendatory thereto, assented to December 11th, 1858, be, and the same are hereby repealed.

SEC. II. Repeals conflicting laws.

Approved 23rd February, 1866.

TITLE II.

CITIES AND TOWNS.

ACT NO. 284. AMERICUS.
285. ATHENS.
286. ATLANTA.
287. AUGUSTA.
288. BAINBRIDGE.
289. BLACKSHEAR.
290. BRUNSWICK.
291. " "
292. COLUMBUS.
293. CUTHBERT.
294. DAWSON.
295. ELBERTON.
296. FAYETTEVILLE.
297. FORSYTH.
298. GEORGETOWN.
299. HELENA.
300. HAWKINSVILLE.
301. LOUISVILLE.
302. MACON.
303. MADISON.
304. MILLEDGEVILLE.
305. NEWNAN.
306. QUITMAN.
307. RINGGOLD.
308. ROME.
309. SMITHVILLE.
310. SPARTA.
311. SPRINGFIELD.
312. STEADMAN.
313. STILLSBORO.
314. THOMASVILLE.
315. VERNONBURG.
316. WESTON.
317. WEST POINT.
318. WRIGHTSVILLE.

(No. 284.)

An Act to repeal an Act entitled an Act, to alter and amend an Act, to incorporate the City of Americus, and to alter and amend an Act, to incorporate the town of Americus, in the county of Sumter, and for other purposes, assented to December 17th, 1861.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That the above recited Act. be, and the same is hereby repealed. Act repealed.

SEC. II. That the charter of said city of Americus, shall be, in all respects, the same as it was before the said Act was passed. Charter as before passage of Act.

SEC. III. That this Act shall take effect from, and immediately after its passage.

SEC. IV. Repeals conflicting laws.

Approved 5th February, 1866.

(No. 285.)

An Act to amend the charter of the town of Athens.

SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That, from and after the passage of this

Intendant to be ex officio J. P.

Act, the charter of the town of Athens be so amended, that the Intendant of said town, shall be *ex-officio* Justice of the Peace, and authorized to exercise the same jurisdiction on the preliminary trial and commitment of criminals, and receive the same fees, in addition to his salary, that are now, by law, vested in said Justices of the Peace.

SEC. II. Repeals conflicting laws.

Approved 15th February, 1866.

(No. 286.)

An Act to alter and amend the several Acts incorporating the City of Atlanta, in Fulton county.

Mayor and Council may require registration of business, &c.

SEC. I. *The General Assembly of the State of Georgia do enact*, That the Mayor and Council, of the city of Atlanta, shall have full power and authority to require any person, firm, company, or corporation, engaged in prosecuting, or carrying on, or who may engage in, prosecute, or carry on, any trade, business, or profession, within the corporate limits of said city, to register their names and business, calling, or profession, annually, and to require such person, firm, company, or association, to pay for such registration, and for license to engage in, prosecute, or carry on such business, calling, or profession, a fee not exceeding twenty-five dollars per annum.

License for carrying on.

Authority to enforce payment of fines and street taxes.

SEC. II. That said Mayor and Council, of the city of Atlanta, shall have full power and authority to enforce the payment of fines, for a violation of the city ordinances, of said city, and enforce the payment of street taxes, by compelling parties, who fail, or refuse, to pay such fines, or taxes, to work on the streets, or public works, of said city.

May issue bonds.

SEC. III. That said Mayor and Council, of the City of Atlanta, in order to meet the necessary and contingent expenses of the city administration, shall have full power and authority to issue and negotiate bonds, the whole property of the Mayor and Council of the city of Atlanta, to be pledged for the ultimate redemption of said bonds, issued, and hereafter to be issued, as authorized by this section.

Tax on registered business.

SEC. IV. That the Mayor and Council of the City of Atlanta, shall have full power and authority, to levy, and collect a tax, of not exceeding one per cent on the gross receipts of all the registered business of said city.

Limits extended.

SEC. V. That the corporate limits of said city be so extended as to measure one mile and a half, in each and every direction, from the general passenger depot, the centre of the present corporate limits.

Approved 12th March, 1866.

(No. 287.)

An Act to authorize the City Council of Augusta, to change, alter, equalize, or create new wards, in said City, and to change the mode and manner, of the elections of Mayor and Councilmen of Augusta; and also, to change, and increase, the fees and salaries of any of the officers in said City, and the terms and time of their election.

SECTION I. *The General Assembly of the State of Georgia do enact,* That the City Council of Augusta, shall have power, at any time, to create, change, alter, and equalize the wards, in said city, and to provide the mode, manner and time, of elections of Mayor, and members of the City Council thereof; also, to change or increase the salaries and fees of any of the officers of said city, elected, or to be elected, by said City Council, at their discretion, and to fix, by ordinance, the terms and times of said officers election. City Council may provide the mode, &c. of elections for city officers. Fees, &c.

Approved 28th February, 1866.

(No. 288.)

An Act to consolidate and amend the several Acts incorporating the town of Bainbridge, in the county of Decatur, and to grant certain privileges to the same.

SEC. I. *Be it enacted, by the General Assembly,* That from and after the passage of this Act, the municipal government of the town of Bainbridge, shall be vested in a Mayor and six Aldermen, who are hereby constituted a body corporate, under the name and style of the corporation of the city of Bainbridge. Bainbridge made a city.

SEC. II. That an election shall be held at the Court House in said city, within thirty days after the passage of this Act, and on the first Saturday in January, in each year thereafter, for the Mayor and Aldermen aforesaid, who shall hold their office for one year, or until their successors are elected, and qualified; the qualification of the electors thereof, shall be such as required for the electors of the General Assembly, and in addition thereto, residence within the corporate limits of the city, for a period of six months, next preceding the election, and the payment of all taxes legally required of them, by the said corporation. Election where held. Annual election first Saturday in January. Electors.

SEC. III. That the said election shall be held by such persons as Superintendents, as are authorized to hold elections for members of the General Assembly, said Superintendents to take an oath for the due performance of their duties as such, and to have the power incident to superintendents of elections in this State. The oath to be taken by voters shall be as follows: "You do solemnly swear that you are a citizen of the United States, that you have attained the age of twenty-one years, and have resided for the six months, next passed, within the corporate limits of the city of Bainbridge, and have paid all taxes that have been legally required of you by the corporation of the city of Bainbridge. So help you God". Elections how held. Oath.

Superintendents of elections. how governed.

Shall have certificates.

Plurality elects.

Oath of office.

SEC. IV. The Superintendents of said election, shall conform to the laws governing elections in this State, in so far as they are applicable to said election, and shall duly declare the result of the same, and shall issue certificates of election, under their official signatures, to such persons as receive the highest number of votes polled, who shall, within ten days, qualify, by taking an oath, to well and truly perform the duties of their respective offices, in the presence of an officer authorized to administer the same, by the laws of this State.

Vacancies.

SEC. V. In case of the death, or resignation of the Mayor, the Aldermen shall proceed, by ballot, to elect a Mayor *pro tem.* who shall order an election, to fill the vacancy, giving ten days notice thereof, and in case of the death or resignation of one or more Aldermen, the Mayor shall order an election as above.

Who shall be eligible to office.

SEC. VI. No person shall be eligible to any office of trust, or emolument, under this Act, who is not eligible, as a voter, at the election aforesaid; and any officer of said corporation, who shall be guilty of malpractice, or abuse of the power confided to him, shall be subject to indictment, in the Superior Court of the county of Decatur, and on conviction shall be fined not less than one hundred nor more than five hundred dollars; said fine to be paid over to the Treasurer of said city.

Any officer guilty of malpractice, subject to indictment.

Penalty.

Voters not liable to arrest.

SEC. VII. That the voters at said election, shall be privileged from arrest, and violation of said privilege, punished as in elections for members of the General Assembly, and misconduct, or false swearing, by them, or making false returns, or attempting to influence voters, or both, by the Superintendents thereof, or any one of them, shall be punished in accordance with the laws of this State.

Violation of privilege misconduct, &c., penal.

Rights, powers, &c.

SEC. VIII. That said corporation shall have, and enjoy all rights, powers, and privileges, incident to such corporations, and not repugnant to the Constitution of the United States, the Constitution of this State, and the laws made in pursuance thereof.

Shall have full power to enact ordinances, by-laws, &c.

SEC. IX. That the said corporation shall have full power and authority to enact all ordinances, by-laws, rules, and regulations, necessary and proper, for the good government of said city, and the securing of the health of the inhabitants thereof.

Mayor and Aldermen ex officio J. P.

SEC. X. That the Mayor and Aldermen of said corporation, shall be *ex-officio* Justices of the Peace, and shall have power to appoint a Clerk and Treasurer, of said corporation, or both, and such other officers, as in their judgment may be necessary; and to establish a city police, and appoint a Marshal, with authority to execute all processes, issued by the Mayor, or from the Mayor's Court, or Aldermen of said corporation, and to arrest all disorderly person or persons, violating any of the ordinances, by-laws, rules, or regulations, of said corporation, and commit them to the guard-house, subject to trial by the Mayor's Court.

Power to appoint officers.

Mayor and other officers to receive compensation.

SEC. XI. That the Mayor, and other officers of the corporation, shall receive such compensation as the Mayor and Aldermen may

deem proper, but their compensation shall be neither increased nor diminished, during their term of office.

SEC. XII. That the Mayor of said corporation, or in his absence, the Mayor *pro tem* may hold a police Court, for the trial and punishment of all violators of the said ordinances, by-laws, rules, and regulations. The punishment inflicted by said Court, not to exceed one hundred dollars fine, or thirty days imprisonment, or both, at the discretion of the Court; and in addition thereto, the costs of proceeding, which shall be the same as in cases before a Court of Inquiry. Mayor may hold a Police Court. May fine and imprison.

SEC. XIII. That the said corporation shall have full power and authority to assess, levy, and collect, the following taxes, in such manner and form as they may deem advisable, and to prescribe rules, and regulations, for the same, and penalties for non-compliance therewith: a tax on all male persons within the corporate limits of said city, between the ages of twenty-one and sixty years; a tax on all real and personal property, within said corporate limits; and on all professions, trades, business, occupations, and theatrical exhibitions, or other performances, exercised, exhibited, or performed, within the same. Full power to tax.

SEC. XIV. That the said corporation shall have the exclusive right to authorize the retail of spirituous liquors within the corporate limits of said city, and to tax the same, as well as to prescribe penalties for non-compliance therewith, in accordance with the thirteenth section of this Act. Exclusive right to authorize the retail of spirituous liquors. To prescribe penalties.

SEC. XV. That the said corporation shall have power to issue executions, which shall bind all property of the defaulters from the date thereof, for such taxes as may be assessed, under the provisions of this Act, including the usual cost, directed to the Marshal, and signed by the Mayor; said executions to be against the real and personal property of the defaulter, and levied by the Marshal thereon; the said property shall be duly advertised for a period of thirty days and sold on the next Sheriff's sale day subsequent to said period, in accordance with the laws governing Sheriff's sales, and the deed of said Marshal, made in accordance with said sale, shall be as effectual to pass the title to said property to the purchaser, as the deed of such defaulter. Power to issue executions.

SEC. XVI. That in the event, at any time, of a failure to elect, or of the officers elect, to qualify, in accordance with the provisions of this Act, or to act, after election and qualification, any three freeholders of said corporation, shall have power to order an election, said election to conform to the provisions of this Act; and should there be, at any time, a *non user* of the corporate powers and privileges herein granted, the said corporation shall not become extinct thereby. On failure to elect, or of officers elected to qualify. Election how held.

Approved 12th March, 1896.

(No. 289.)

An Act to amend the Act incorporating the town of Blackshear, in Pierce county, approved Dec'r 16th, 1859.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That from, and immediately after the passage of this Act, the Act incorporating the town of Blackshear, in the county of Pierce, approved December 16th, 1859, be amended, so as to make the corporate limits of said town to extend one mile in every direction, from the Rail Road depot, in said town of Blackshear.

Limits extended.

SEC. II. Repeals conflicting laws.

Approved 23rd February, 1866.

(No. 290.)

An Act to repeal all but the fifth and ninth sections of an Act, entitled an Act, additional to an Act, to incorporate the town of Brunswick, in the county of Glynn, to define its jurisdictional limits, &c., approved Feb'y 22d, 1856, to amend said charter, to confirm the doings of the Mayor and Council, to mark the boundary lines of the town and commons, and for other municipal purposes, therein specified, assented to Dec'r 22d, 1857.

SEC. I. *Be it enacted, &c.,* That all of the above recited Act, except the fifth and ninth sections thereof, be, and the same is hereby repealed.

Fifth and ninth sections only of Act to be valid.

SEC. II. Repeals conflicting laws.

Approved 28th February, 1866.

(No. 291.)

An Act to amend an Act, entitled an Act to incorporate the town of Brunswick, in the county of Glynn, to define its jurisdictional limits, to provide for the election of a Mayor and City Council, and such other officers as may be required, and confer upon them specific powers, and for other purposes therein mentioned.

SEC. I. *Be it enacted, &c.,* That from, and after the passage of this Act, the seventh section of an Act, entitled an Act to incorporate the town of Brunswick, in the county of Glynn, to define its jurisdictional limits, to provide for the election of a Mayor and City Council, and such other officers as may be required, and confer upon them specified powers, and for other purposes therein mentioned, approved February 22d, 1856, be, and it is hereby amended, by striking out the words "fifty cents", and inserting the words "one dollar" in place of them, so that by the amended Act the Mayor and City Council shall, and will be authorized, to impose a tax of one dollar upon every one hundred dollars in value.

Seventh section of Act of 22nd February, 1856, amended.

SEC. II. That the 14th section of the above entitled Act, be amended by striking out the words "fifty dollars", and inserting in

Fourteenth section amended.

place of them, the words "one thousand dollars", so that the Mayor and City Council shall, and will be authorized, to charge a sum not exceeding one thousand dollars, for a license to retail spirituous liquors.

SEC. III. That all able bodied male persons, between the ages of sixteen and forty-five years, residing within the corporate limits of the city of Brunswick, shall be liable to work, not to exceed fifteen days in each year, on the streets, public squares, and drains, in said city, and the Mayor and Council thereof, shall have power to inflict fines, not to exceed two dollars per day, on all persons so liable to work, who shall fail, or refuse, to perform such duty when required to do so by the Mayor and Council of said city, which fines may be collected by execution, under the hand and seal of the Treasurer of said city, unless the person so fined can render a good and sufficient excuse for the non-performance of the duties required of him by this Act.

Able-bodied males required to work on streets.

Penalty for failure.

Fines how collected.

SEC. IV. Repeals conflicting laws.

Approved 6th March, 1866.

(No. 292.)

An Act to amend and alter the Charter of the city of Columbus.

SEC. I. The Mayor and Council of the city of Columbus are hereby vested with full power and authority to make such assessments and lay such taxes on the inhabitants of said city, both black and white, and those who hold taxable property within the same, and those who transact or offer to transact any kind of business or to do any kind of labor therein, as said corporate authorities may deem expedient for the safety, benefit, convenience and advantage of said city, and may enforce the payment of such assessments and taxes, in such manner as said Mayor and Council may prescribe. Besides real and personal property, the said Mayor and Council may tax capital invested in said city stocks in money, corporations, choses in action, income and commissions derived from the pursuit of any profession, faculty, trade or calling, dividends, bank, insurance, express and other agencies, and all other property or sources of profit not expressly prohibited or exempt by State law or competent authority of the United States.

Power of taxation.

SEC. II. They are also hereby vested with exclusive jurisdiction to charge such rates of wharfage upon goods delivered at the city wharf or upon the river bank within the corporate limits of said city, and post duties upon steamboats, barges and boxes for carrying freight, arriving or leaving said city, as said corporate authorities may deem expedient for the safety, benefit, convenience and advantage of said city, and may enforce the payment of such assessments, duties and tolls, in such manner as said Mayor and Council may prescribe.

Rates of wharfage.

Post duties on steamboats, barges, &c.

Control of shops, &c.

SEC. III. That said Mayor and Council shall have the control and regulation of all shops, taverns, stores and bar rooms, and also of all omnibuses, hacks, drays, and express wagons within the corporate limits of said city, and may pass such ordinances and enforce the same by such penalties as they may prescribe, and also the power to regulate the conduct of pedlers and itinerant traders within the same limits, by taxation or otherwise, except those bringing live stock for sale.

Omnibuses, &c.

Pedlers.

Power to order pavements.

SEC. IV. Said Mayor and Council shall have power to order such pavements and side-walks, and repairs of the same, in the principal business streets in said city, as they may deem proper, and upon the failure of any person to comply with such order within the time prescribed, the said Mayor and Council may have the same done, and levy and collect the expenses thereof by execution against the lands and goods and chattels of the owner of the lot immediately fronting upon the side-walk, when such pavement or repairs to the same have been made.

Elections of officers.

SEC. V. That all elections for Mayor, Aldermen, Marshal, Deputy Marshal, Clerk of Council and Sexton, and such other of the officers of said city as now are or hereafter may be elected by the citizens of said city, may be either by the general system at the Court House or by ward system in the different wards, as the said Mayor and Council may order and direct; *Provided*, that all of said officers shall be elected at the same time and in the same manner; *And Provided*, that whenever the Mayor and Council desire to change the system of such elections, notice of the change and of the manner of holding the election shall be given in the public prints in said city at least thirty days previous to the said election.

Mode changed notice.

Council may control buildings.

SEC. VI. That said Mayor and Council are hereby vested with the power to prohibit the erection of any wooden building on Broad street, between Bryan street and Crawford street, and may exercise such supervision and control over the construction of houses and erection of awnings and sheds, of stove pipes, chimney flues, and other means of heating the same, as may be necessary and proper to guard against conflagration.

May abate nuisances.

SEC. VII. The said Mayor and Council shall have power, by ordinances, resolution, or order of Council, to cause to be abated within the jurisdictional limits of said city, any nuisance which may tend to the immediate annoyance of the citizens in general, may be manifestly injurious to the public health or safety, or tend greatly to corrupt the manners and morals of the people, or any considerable part thereof, whether the nuisance be such by the common law or by statute of this State, or by ordinance of said city, passed in conformity with law, and to enforce the order for abatement and removal of such nuisance by the Marshal and other civil force of said city. And said Mayor and Council shall

May establish quarantine, &c.

have full power and authority to establish such system of quarantine, and make such sanitary regulations within the said

city as may, in their judgment, be proper to prevent the spread of contagious or infectious disease, or to preserve the health of the inhabitants of said city.

SEC. VIII. They shall have power and authority to impose and inflict such pains, penalties and forfeitures, either by fine or imprisonment in the common Jail of Muscogee county, or in the guard house of said city, or by hard labor upon public works in said city or within one mile of the corporate limits of the same, for violations of the by-laws or ordinances of the city or such laws of the State as may come within the jurisdiction of the Mayor's Court, as shall, in their judgment, be conducive to the good order and government of said city; *Provided*, that no fine or forfeiture for one individual offence shall exceed fifty dollars, and no imprisonment or time of labor shall be for more than thirty days, although said Mayor and Council may impose and inflict several and distinct fines, imprisonments, or terms of labor; at the same meeting of Council for several distinct offences. *May impose penalties for violation of Ordinances.* *Proviso.*

SEC. IX. They may confer upon the Mayor's Court jurisdiction over all offences and violations of the by-laws and ordinances of said city, and to impose such fines, penalties and forfeitures as the said Mayor and Council may by law impose. *Jurisdiction of Mayor's Court.*

SEC. X. Fines, penalties and forfeitures, imposed either by said Mayor and Council or by the Mayor's Court, shall be levied by warrant or execution of distress, and sale of the offender's goods and chattels, if any to be found, otherwise of lands and tenements, and, in case of no such property, then the defendant may be imprisoned or made to do public work as before provided. *Enforcement of penalties.*

SEC. XI. That the Marshal, Deputy Marshal, Clerk of Council, Treasurer and Sexton, and all other officers of said city, shall, after their election and qualification, be under the exclusive control of the Mayor and Council, and may be dismissed from office at any time for mal-practice in office, neglect of duty, or habitual intoxication, by a vote of the majority of Council at any regular meeting, and such officers so dismissed shall not be eligible to any such office during the time for which they may have been elected. *Mayor and Council to control Marshal, &c.*

SEC. XII. The said Mayor and Council are also vested with full power and authority to hear and determine all questions of contested elections, either for the office of Mayor or any Alderman, or any officer of said corporation, under such rules and regulations as they may prescribe, and the decision of said Mayor and Council shall in all cases be final, except when attacked for fraud. *May determine contest of elections.*

Approved 8th March, 1866.

(No. 293.)

An Act to alter and amend the fourth Section of an Act entitled "an Act to constitute the town of Cuthbert, Randolph county, a city, to provide for the election of officers, define the powers of the several officers of said city, as well as of said corporation, to extend the limits of Cuthbert, and for other purposes," assented to December 19th, 1859.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That the fourth Section of the above recited Act, be altered and amended as follows: Strike out the words "and North of the Eufaula road on the South of said road the western boundary shall be the line between Manning Stamper and David Janes."

Corporate limits.

SEC. II. Repeals conflicting laws.

Approved 21st February, 1866.

(No. 294.)

An Act to alter and amend an Act entitled an Act to incorporate the town of Dawson, in the county of Terrell, and State of Georgia.

Sec. I. *The General Assembly of the State of Georgia do enact,* That from and after the passage of this Act, the fourth Section of the Act incorporating the town of Dawson, be and the same is hereby repealed.

Sec. II. That the said President and Councilmen shall have power and authority to levy and collect taxes within the corporate limits of said town, at such rate of taxation as said President and Councilmen may deem proper, and to levy and collect a poll tax, not to exceed two dollars annually upon each and every male adult residing in said town.

Power to levy tax.

Poll tax.

Sec. III. That said President and Councilmen shall have power to impose and collect fines, not to exceed fifty dollars, and to imprison not to exceed twenty days, for any violation of the provisions of said incorporation.

Power to fine and imprison.

Approved 9th February, 1866.

(No. 295.)

An Act to repeal an Act assented to December 10th, 1803, incorporating the town of Elberton, and all acts amendatory thereof, and to reincorporate said town, and to give the Town Council of said town certain power hereinafter specified.

WHEREAS, The General Assembly of the State of Georgia did, the tenth day of December, 1803, pass an act incorporating the town of Elberton, and on various subsequent occasions, pass acts amendatory thereof; *And whereas,* said acts are somewhat conflicting, and produce confusion; therefore, in remedy whereof,

Preamble.

SEC. I. *Be it enacted,* That the Act assented to December 10th,

1803, incorporating the town of Elberton, and all subsequent Acts amendatory thereof, be and the same are hereby repealed. Repeals Act of incorporation and subsequent Acts amendatory of same.

Sec. II. That James S. Lamar, John A. Tranchard, Sidney P. Bruce, M. P. Deadwyler and John F. McCarty, and their successors in office, be and they are hereby created a body corporate, under the name and style of the Town Council of Elberton, and shall hold their office until the first Monday in January, 1867, and until their successors are elected and qualified; and on the first Monday in January, 1867, and on the first Monday in January annually thereafter, the persons resident within the corporate limits of said town entitled to vote for members of the General Assembly, shall meet and elect by ballot five persons who are entitled to vote at said elections, to fill the office of Town Council of Elberton, and they shall hold their office twelve months from the date of their election, and until their successors are elected and qualified; *Provided*, nevertheless, the Town Council may by ordinance appoint any other day than the first Monday in January for holding said election; and an election may be held at any time during the year to fill vacancies in said Council, by giving two days notice of such election. Said elections shall be held by any two free holders resident in said town, who shall take an oath to faithfully and impartially superintend such election. The persons receiving the highest number of votes shall be declared elected, and shall, before entering on the duties of office, take and subscribe an oath to faithfully execute the duties of their office, and to support the Constitution of this State and of the United States.

Incorporated. Time of election. Town Council by whom elected. Proviso. Vacancies. Elections how held. Oath. Plurality elects. Councilmen to take oath.

Sec. III. That all subsequent Town Councilmen of said town shall be elected by the persons resident within the corporate limits of said town entitled to vote for members of the General Assembly. Said election shall be held in said town on the first Monday in January of each year, or as soon thereafter as convenient, and shall be conducted in the same manner as elections for State and county officers are or may be conducted by the laws of the State. The number of said Councilmen shall be five.

Who can vote. Time of election. Manner of. No. of Councilmen.

Sec. IV. That the corporate limits of said town shall extend a radius of one mile from the Court House in said town, and that all ordinances passed by the Town Council of said town shall be of force within said area.

Corporate limits.

Sec. V. That the Town Council of said town be authorized to elect from their body a presiding officer, and also to appoint a Clerk and Marshal, who shall hold their offices at the pleasure of said Council, and the Council may require of said officers bonds and security for the faithful performance of their duties.

Presiding officer. Clerk. Marshal. Bond.

Sec. VI. That a majority of said Town Council shall constitute a quorum for the transaction of business, and shall have the following powers, to-wit:

Majority a quorum.

1st. To regulate the sale of spirituous liquors within the corporate limits of said town, and to grant license for the sale of the same in any quantity, and to fix the price of license.

Regulate sale of spirituous liquors.

Punishment by fine and imprisonment.

2nd. To punish any person or persons by fine not exceeding fifty dollars, and imprisonment for ten days, or either, at the discretion of the Council, who shall violate any of the ordinances of said Town Council regulating the sale of spirituous liquors in the corporate limits of said town.

Penalty for intoxication.

3rd. To punish by fines not exceeding fifty dollars, and imprisonment for ten days, or either, at the discretion of the Council, any person or persons who shall be found intoxicated in said town, and who thereby disturbs the quiet and peace of the same.

Penalty for disturbance.

4th. To punish any and all persons by fine not exceeding fifty dollars, and imprisonment for ten days, or either, at the discretion of the Town Council, for fighting or any other disturbance that may annoy or disturb the peace and quiet of said Town, or any citizens thereof.

Ordinances.

5th. To pass any and all ordinances that in their judgment may be for the better regulation, peace and good order of said town, and not repugnant to the laws and Constitution of the State, and to punish by fine not exceeding fifty dollars, and imprisonment for ten days, or either, at the discretion of said Council, any person or persons for any and all violations of said ordinances.

Working streets.

6th. To pass ordinances to compel persons resident within said corporate limits, subject to road duty, to work the streets, side walks and roads within said limits, and to punish by fine not exceeding fifty dollars, and imprisonment to ten days, any persons who may refuse or neglect to work said streets, side walks and roads, when notified by the Marshal at the instance of the Council to do so.

Act and Ordinances to be published.

Sec. VII. This Act, and all ordinances passed by said Council in conformity thereto, shall be either published in a public gazette printed in said town, or printed in pamphlet form and distributed to the citizens of said town, or posted up in hand bill form in some conspicuous place in said town, at least ten days before said ordinance shall be of force.

Power of imprisoning.

Sec. VIII. That said Council shall have power to imprison in the common Jail of Elbert county, any and all persons who may be convicted of offences under this Act, or ordinances passed in pursuance thereof, in cases where the penalty is imprisonment; and said Council shall have power to imprison in said Jail any and all persons convicted of offences by said Council, where the penalty is fine, until the fine and costs of suit are paid, or until otherwise discharged according to law.

Oath of office.

Sec. IX. That persons elected to the office of Town Council of Elberton, shall, before entering on the duties of said office, take and subscribe an oath to support the Constitution of this State, and of the United States, and to faithfully execute the duties of said office.

Sec. X. That said Town Council shall have power to levy a

tax for the support of town government, on same basis that State tax is levied. Taxation.

Sec. XI. Repeals conflicting laws.

Approved 19th February, 1866.

(No. 296.

An Act to add an additional Section to an act incorporating the town of Fayetteville, assented to December 20th, 1823, and to amend Section 3rd of said Act.

Sec. I. *Be it further enacted,* That in the event of a failure at any time to elect a Board of Commissioners, as provided for in said Act, that the election may be held at any time on ten days notice thereof, from any three free-holders in said town, in a public gazette, or in two of the most public places in said town, and the Board of Commissioners so elected shall hold their offices until the next regular time of election, or until their successors are elected and qualified. Special election. Term of office.

Sec. II. That Section 2nd of said Act be so amended as to insert after the words "at which election any two magistrates of the county may preside" the words "or any three freeholders of said town." Second Section of Act of Incorporation amended.

Sec. III. Repeals conflicting laws.

Approved 24th February, 1866.

(No. 297.)

An Act to extend the corporate limits of the town of Forsyth, Monroe county, Georgia, to increase the powers of the Commissioners thereof as to taxes and the enforcement of fines and penalties.

Sec. I. *The General Assembly of Georgia do enact,* That the corporate limits of the town of Forsyth, Monroe county, Georgia, are hereby extended in all directions to the distance of one half mile, in a straight line from the Court House in said town. Corporate limits extended.

Sec. II. The Commissioners of said town shall have power to levy and collect a tax from the residents and citizens of said town for each year, of one dollar poll tax, on all male persons residing within the corporate limits thereof, between the ages of twenty one and fifty years; a tax of not more than twenty cents for each year on every hundred dollars in value of all goods, wares, merchandise, banking and brokerage, real estate, carriages and vehicles of all kinds, and money at interest held, owned or employed therein. Taxation—power of.

Sec. III. Said Commissioners shall have the power to enforce the collection of all fines and penalties imposed upon violators of their ordinances for the regulation of their civil police and good order, Power to fine, prison.

by imprisonment of the offender or offenders in the common Jail of said county, if need be, for a term not exceeding ten days for each offence, said Commissioners being responsible for Jail fees.

Approved 1st February, 1866.

(No. 298.)

An Act to amend the 6th, 8th, and 11th Sections of an Act incorporating the town of Georgetown, in Quitman County, and to add additional Sections thereto.

Comm'rs may license to retail spirituous liquors.

SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this Act, the Board of Commissioners of said town shall have sole exclusive power to grant a license to retail spirituous liquors within said corporation, and of fixing the rate of said license, and the terms upon which they shall issue, and shall have full power and authority to punish any person or persons who shall be found guilty of retailing such in the bounds of said corporation without such license, either by fine, or imprisonment, or both; *provided,* such fines shall not exceed fifty dollars, nor imprisonment for more than twenty days, for each and every offence, also to abolish nuisance in said incorporation.

May fine or imprison.

May abolish nuisances.

SEC. II. That so much of the eighth Section as relates to the time of holding said elections, be so amended as to read "That said Commissioners shall be elected on the first Saturday in each and every year," &c.

Com'rs to be elected on first Saturday of each year.

SEC. III. That the eleventh Section of said Act be so amended as to read "That if no Commissioners are elected for said town, as provided for in said Act of incorporation, such powers as are vested in the Commissioners by the above recited Section are hereby vested in the Inferior Court of said County of Quitman."

If no Commissioners are elected powers to vest in Inferior Court.

SEC. IV. Repeals conflicting laws.

Approved 21st February, 1866.

(No. 299.)

An Act to appoint new Commissioners for the town of Hardwicke, to incorporate the same, and for other purposes.

Preamble.

WHEREAS, The Commissioners originally appointed for the town of Hardwicke, have long since departed this life, and the site of said town and the commons thereof have been re-granted by the State to private individuals; and *whereas,* it is advisable that the said town of Hardwicke should be re-established, for the better advancement of the industrial resources of the State;

SECTION I. *The General Assembly of the State of Georgia do enact,* That Jacob M. Middleton, Thomas C. Arnold, William Patterson,

Henry E. Smith, and John W. Magill, citizens of the County of Bryan, shall be and they are hereby appointed Commissioners for the town of Hardwicke, on the Ogeechee river, in the County of Bryan. Commissioners.

SEC. II. That said Commissioners be and they are hereby authorized to acquire, by cession or purchase, from the parties to whom the same has been granted, the town of Hardwicke, and the commons thereof, not to exceed one hundred and fifty acres in extent. Authorized to purchase town.

SEC. III. That when said Commissioners shall have obtained the titles to, and possession of said town and commons, that they, or a majority of them, shall have full power and authority to survey or cause to be surveyed and laid out, the said town of Hardwicke, into lots of such form and dimensions as to them may seem proper, and that a copy of such survey and plan of the town shall be filed in the Clerk's office of the Superior Court of Bryan County, and another copy thereof in the office of the Surveyor General of this State. Power to survey town, &c. Copies of survey where filed.

SEC. IV. That the said Commissioners, or a majority of them, shall have full power and authority to sell any or all the lots in said town, except such as they may think proper to reserve for public use. Authority to sell lots.

SEC. V. That when said survey shall have been made, and copies thereof filed in accordance with the provisions of the third Section of this Act, that said Commissioners shall have authority to choose one of their number as an Intendant, and that they shall be incorporated by the name and style of the "Intendant and Commissioners of the town of Hardwicke," and be and they are hereby vested with full power and authority to make such by-laws and regulations as shall be conducive to the good order and government of the said town of Hardwicke; *provided*, the same be not repugnant to the Constitution and laws of this State, or of the United States. Intendant when chosen. Style. Proviso.

Approved 21st March, 1866.

(No. 300.)

An Act to repeal an Act entitled an Act to alter and amend an Act entitled an Act to incorporate the town of Hawkinsville, in the County of Pulaski, to appoint Commissioners for the same, and to confer certain powers upon said Commissioners; also, to incorporate the town of Grooverville, in Brooks County, and for other purposes, and to revive the 12th Section of said last above recited Act.

SEC. I. *The General Assembly of the State of Georgia do enact*, That the first above recited Act be, and the same is hereby repealed. Act repealed.

SEC. II. That the twelfth Section of the second above recited Act

12th Section revived.

be and the same is hereby revived and in full force, any law to the contrary notwithstanding.

Approved 21st March, 1866.

(No. 301.)

An Act to vest the granting of license to sell spirituous liquors in Louisville, Jefferson County, in the Commissioners of said town, or the Clerk of the Inferior Court of said County, the charges, &c., for the same; to allow said Commissioners to tax all showmen, itinerant traders, pedlers, hawkers, &c; to make it a misdemeanor to trespass on the town commons or Academy lots; to prescribe the place of trial and punishment of violators of this Act; the disposition to be made of all the money arising by virtue of the same; to point out the time, &c., for the election of Commissioners of said town, and for other purposes.

Authority to license vested in Commissioners.

If none in office, in Clk of Inferior Court.

Oath and bond.

Price of license.

SETION I. *Be it enacted by the General Assembly of Georgia*, That the authority to license the sale of any kind of spirituous or intoxicating liquors in the incorporate limits of the town of Louisville, be and is hereby vested in the Commissioners of said town exclusively, while there are any in office, and if there be no Commissioners in office, then in the Clerk of the Inferior Court of Jefferson County. That any person applying for such license, before obtaining the same, shall be required to take and subscribe the oath and give the bond required by law. If the application be for license to sell any quantity not less than one quart, the applicant shall pay one hundred dollars, if less than one quart, two hundred dollars for said license, in addition to the fees allowed by law to officers for granting the same.

Com'rs may tax showmen, peddlers, &c.

Sec. II. That said Commissioners be and they are hereby authorized to impose a tax upon all showmen, itinerant traders, pedlers, hawkers, &c., of every character and description, in such sums as they may deem proper, not to exceed the sum of one hundred dollars per day upon each showman, itinerant trader, pedler, hawker, &c.

Trespass on public lots.

Section III. That any person who shall trespass in any way on what is known as the town commons or academy lots in and around Louisville, shall be guilty of a misdemeanor.

Penalty for violation of this Act.

Sec. IV. That any person who shall be convicted of a violation of any of the provisions of this Act, before the Commissioners of said town, or in the Superior Court of said County, shall be fined in the sum of five hundred dollars, or imprisoned in the common jail of the County for twenty days for each offence. And that all the money arising under this Act, either by fines or otherwise, be turned over to the Commissioners of said town, to be used by them in improving the streets, bridges, &c., in said town.

Money from how used.

Election of Commissioners 1st Saturday in January.

Sec. V. That there shall be an election on the first Saturday in January, in each and every year, for Commissioners in said town, and if from any cause there should be a failure to hold said election, or any or all the Commissioners thus elected should fail to

qualify or act, or should any vacancy occur, then it shall and may be lawful to hold an election on the first Saturday in any month, to elect a full board, or to fill any vacancy. And any Commissioner or Commissioners when elected shall hold their office until his or their successor or successors are elected and qualified. May be held 1st Saturday in other month.

Sec. VI. Repeals conflicting laws.

Approved 5th February, 1866.

(No. 302.)

An Act to amend the several Acts incorporating the City of Macon, to enlarge the powers of the Mayor and Council thereof, and to extend the limits of the City.

SECTION I. *The General Assembly of the State of Georgia do enact,* That the Mayor and Council of the city of Macon shall have power and authority to levy and collect a tax upon all property, real or personal, within the limits of the city; upon banking, insurance and other capital employed therein; upon bank and insurance agents; upon salaries and incomes derived from property within the city; upon factors, brokers, and vendors of lottery tickets; upon agents or managers of gift enterprises, and upon all other persons exercising within the city any profession, trade, calling or business of any nature whatever. They shall have power also to levy and collect a capitation or poll tax upon each and every male inhabitant of the city, between the ages of twenty-one and sixty years, *Provided,* that no tax upon real estate, or stock in trade, shall exceed one per cent upon the value thereof. Power to tax. Proviso.

SEC. II. That the said Mayor and Council shall have power to license auctioneers and vendue masters annually for the city, charging therefor such sum as they may deem proper, and to tax all goods sold on commission or at auction within the limits of the city. Auctioneers and Vendue masters. May tax goods sold on commission, &c.

SEC. III. That the said Mayor and Council shall have power to levy and collect a street tax upon each male inhabitant of the city between the ages of sixteen and forty-five years, *Provided,* that such tax shall not exceed the sum of five dollars for each person, and such person may satisfy the same by working ten days on the streets, under the direction of the Marshal or Overseer of streets; and in case of failure or refusal so to work or pay such tax, the Mayor and Council may enforce the same by execution, or by compulsory labor thereon at their discretion. Street tax. Proviso. Power to enforce.

SEC. IV. That the said Mayor and Council shall have power and authority to control the markets, and marketing within the city; they may establish one or more markets within the city, and regulate the same, fix the hours of sale therein, prohibit the sale of marketable commodities elsewhere within the city, and to pass all ordinances necessary and proper to regulate the markets and marketing within the city. Markets.

SEC. V. That the said Mayor and Council shall have power to compel the owners or lessees of property, in such parts of the city Power to compel persons to pave sidewalks.

as they may select, to pave the side-walk in their front in a durable and substantial manner. They may impose penalties for the neglect or refusal to pave the same, and shall have power to enforce the collection of such penalties by executions as for city taxes, or they may cause such side-walks to be paved at the expense of the city, and collect the amount thus expended, by execution against the owners or lessees of the property.

Penalties how collected.

Limits extended.

SEC. VI. That the limits of the city of Macon are hereby extended so as to embrace the portion of land below the city known as the Reserve, and the said Mayor and Council shall have full power and control over the said Reserve and the City Common, and pass all ordinances necessary and proper for the draining and improvement of the same, and the preservation of the health of the city.

Control over Reserve.

Board of Health.

SEC. VII. That the Mayor and Council may appoint a less number than nine persons, as now authorized by law, as a Board of Health, and such Board shall have all the powers heretofore granted to, and now exercised by the present Board.

Mayor's Court.

Jurisdiction.

Penalties.

SEC. VIII. That the Mayor and Council shall have power to continue the Mayor's Court, and the Mayor, or acting Mayor, shall preside therein and hold sessions daily, or as often as may be necessary to clear the guard-house. He shall have cognizance of all offences against the ordinances of the city, and may punish all violations of such ordinances to the extent of a fine of one hundred dollars, and imprisonment for one month, or by compulsory labor on the public streets, or in the work-house for the same term, or by confinement in public stocks. And the said Mayor and Council shall have full power and authority to pass all ordinances necessary and proper to carry into effect the powers herein granted, or by previous Acts of the General Assembly.

Authority to pass ordinances.

SEC. IX. Repeals conflicting laws.

Approved 21st March, 1866.

(No. 303.)

An Act to incorporate the city of Madison, to provide for its government, define its powers, and for other purposes therein mentioned.

Madison made a city.

Limits.

SECTION I. *The General Assembly of the State of Georgia do enact as follows*: The present town of Madison, in the county of Morgan, shall be and is hereby incorporated as a city, and shall be known as the city of Madison, and the corporate limits of said city shall be one mile in every direction from the Court House.

Corporate powers vested in Mayor and four Aldermen.

Annual election first Saturday in April.

Voters.

SEC. II. The corporate powers of said city shall be vested in a Mayor and four Aldermen, who shall be elected on the first Saturday in April next, and the first Saturday in April of every year thereafter, and shall hold their offices until their successors are elected and qualified; and all persons resident within the corporate limits of said city who are qualified to vote for members of the General Assembly shall be entitled to vote at said election.

SEC. III. Any two citizens who are freeholders in said city may preside over said election, and they shall give their certificate of election to the persons elected, which shall be conclusive evidence of that fact, and the persons having the highest number of votes shall be entitled to such certificate. Elections how held. Shall give certificate. Plurality elects.

SEC. IV. Said Mayor and Aldermen before they enter on the duties of their respective offices shall take an oath well and truly to discharge said duties, which oath they may administer to each other. Oath. Who shall administer.

SEC. V. Said Mayor and Aldermen shall be *ex officio* Justices of the Peace within the corporate limits of said city, so as to enable them to issue warrants for offences committed within the limits of said city, and to bail over and commit offenders, according to law. Mayor and Aldermen ex officio J. P.

SEC. VI. Said Mayor and Aldermen shall have power to remove all nuisances, whether the same be in the streets, or on the lots of individuals, or incorporate companies, or institutions, to remove any obstructions upon the public streets, to establish a market, build a market house, and to pass such ordinances in relation to the same as they shall think proper, to license billiard tables and ten pin alleys, upon such terms as they shall think proper, and to suppress or renew the same, when they shall deem it necessary for the comfort or good order of any part of said city, and to punish by fine all persons who shall have or keep the same without first obtaining license. Said Mayor and Aldermen shall have the sole and exclusive right of granting licenses to retail spirituous or fermented liquors within the limits of said city, and of fixing the rate of such licenses, and the terms upon which they shall issue, and of punishing by fine or imprisonment all persons who shall retail spirituous or fermented liquors within the limits of said city without first obtaining license, and said Mayor and Aldermen shall have power to pass all laws and ordinances that they may consider necessary for the preservation of the peace, health, prosperity, comfort and security of the citizens of said city, not inconsistent with the Constitution and laws of this State, or the Constitution and laws of the United States, and all the rights, powers and authorities that are now vested in the commissioners of the town of Madison shall be vested in the Mayor and Aldermen of said city. Powers. License to retail spirituous liquors. May pass all laws and ordinances.

SEC. VII. Said Mayor and Aldermen, or a majority of them, may impose such taxes upon real and personal estate within the corporate limits of said city as they may deem necessary for the support of the government of said city, or for other purposes in their judgment beneficial to the citizens thereof generally, and they may enforce the collection of such taxes, and also of all fines that may be imposed by them, in such manner as they by law or ordinance may prescribe. Power of taxation. May enforce collection of fines and taxes.

SEC. VIII. Said Mayor alone, or in his absence any two or more Aldermen, may at all times hold a police court for the trial of offenders against the laws and ordinances of said city, and may pun- Police court.

May punish by fine or imprisonment.

ish to any extent by fine, not exceeding one hundred dollars and by imprisonment not to exceed ten days.

Marshal—Treasurer.

Term of office.

SEC. IX. There shall be a Marshal of said city and also a Treasurer, who shall perform the duties of Clerk, and who shall be elected by said Mayor and Aldermen, to hold their offices for one year, and until their successors are elected and qualified, but removable at all times by said Mayor and Aldermen for good cause shown, and who shall discharge such duties as the Mayor and Aldermen shall prescribe, and receive such compensation for their services as the said Mayor and Aldermen, or a majority of them, shall agree to pay.

Body corporate.

SEC. X. Said Mayor and Aldermen shall be a body corporate, and as such they and their successors may sue and be sued, and hold real and personal estate for the use of said city, and have power to sell and dispose of the same, and to borrow money and contract for city improvements and repairs.

Compensation of Mayor.

SEC. XI. Said Mayor shall receive for his services such compensation as the said Aldermen, or a majority of t em, shall vote him, having a just regard to the labors performed by him. The Aldermen shall receive no compensation.

Vacancies.

SEC. XII. If any vacancy shall occur in the said Board of Mayor and Aldermen, by death, removal, resignation, or otherwise, the same shall be filled by an election made by the remaining members of said Board, and the person so elected shall hold his office as long as his predecessor would have held the same.

Majority to pass ordinances.

SEC. XIII. No law or ordinance for the government of said city, or for the contracting of any debt by said city, shall be adopted without the concurrence of a majority of the Board of Mayor and Aldermen.

Approved 12th March, 1866.

(No. 304.)

An Act to repeal an Act entitled an Act to amend the Charter and corporate laws of the city of Milledgeville as to the mode of electing Aldermen, assented to, March 7th, 1865.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority aforesaid,* That from and immediately after the passage of this Act an Act entitled "an Act to amend the Charter and corporate laws of the city of Milledgeville as to the mode of electing Aldermen, assented to, March 7th, 1865," be and the same is hereby repealed, any law, usage or custom to the contrary notwithstanding.

Act amending Charter repealed.

Approved 21st February, 1866.

(No. 305.)

An Act to alter and amend "an Act entitled an Act to extend and define the corporate limits of the town of Newnan, in the county of Coweta, to provide for the election of Intendant and Commissioners for the same, to define their powers, and for other purposes therein named.

SECTION I. *The General Assembly of the State of Georgia do enact,* That from and after the passage of this Act the town of Newnan, in the county of Coweta, shall be styled the city of Newnan, and that the Intendant and Commissioners shall hereafter be styled the Mayor and Aldermen of the city of Newnan. Newnan made a city.

SEC. II. That the corporate limits of said city shall extend one mile and a quarter, in every direction, from the Court House. Limits.

SEC. III. That the said Act, as applicable to the town of Newnan, its Intendant and Commissioners, and inhabitants shall, alike under this amended Act be applicable to the city of Newnan, Mayor and Aldermen; and all the inhabitants included within its said limits by this Act, and the said Mayor and Aldermen shall have all the powers and privileges conferred upon the said Intendant and Commissioners by the Act of which this Act is amendatory. Act as applicable to town Intendant and Commissioners to apply to city Mayor and Aldermen.

SEC. IV. Repeals conflicting laws.

Approved 5th March, 1866.

(No. 306.)

An Act to alter and amend the Act incorporating the town of Quitman, Brooks county; and to confer additional powers upon the Commissioners in relation to raising revenue, preserving order, and regulating the sale of spirituous liquors within the corporate limits of said town; also, to prescribe the qualifications of voters and officers of said town.

WHEREAS, It is found impossible for the Commissioners of said town of Quitman to preserve order and government, within the corporate limits thereof, for want of more extensive powers, for remedy whereof: Preamble.

SEC. I. *Be it enacted,* That the Commissioners of said town shall have power to impose fines, not exceeding fifty dollars, and imprison in the common jail of the county, not more than ten days, any person or persons, who shall violate the ordinances of said town, in relation to the peace, good order, or decency, of said town, or for contempt of said Commissioners, when in session. Said commissioners shall have power to raise, by taxation, on the real and personal property in said town, (whether owned by residents or non-residents,) such amount of money, as may be sufficient, to defray all necessary expenses incident to the government of said town. Said commissioners shall have power to compel all persons liable to road duty by the laws of this State, who are residents of said town, to work on the streets of said town, the same number of days. Power to fine and imprison. Taxation. To compel to work on streets.

that the laws of this State prescribe, for road hands, or in lieu of working on the streets, said commissioners may receive from said hands an equivalent for said work in money, the amount to be settled by the commissioners, but said hands shall be allowed to choose between working said streets, under the direction of the Marshal, or paying the amount prescribed by said commissioners. And when said hands shall have worked said streets or paid said sum, as required by said commissioners, they shall be free from road duty elsewhere for that year. Said commissioners shall have power to regulate license for vending spirituous liquors in said town, and to impose what terms they please, as to the amount to be paid for license, and quantity of spirituous liquors to be sold; and should any person or persons violate any ordinance they may enact for carrying their power into effect, by vending spirituous liquors, contrary to said ordinance, in the corporate limits of said town; such person shall be liable, for each violation, to such fine or imprisonment, or both, as the commissioners may prescribe, but such fine not to exceed fifty dollars, and imprisonment, not to be longer than ten days for each offence.

To impose street tax.

License to vend spirituous liquors.

Penalty.

Fines, &c., how collected.

SEC. II. That all assessments, fines, pains and penalties, laid, or incurred, under this Act, shall be recovered by execution, by the Clerk, attested by one or more commissioners, to be levied by the Marshal, and the property sold under such rules, as the commissioners may prescribe, unless the execution is levied upon real estate, in which case, said Marshal shall turn over his execution to the Sheriff of the county, with his entries thereon, and the Sheriff shall proceed to sell said estate, as in cases of executions, levied upon real estate, by Constables, and returned to him, and shall pay over the money arising from said sale, to the clerk of said town commissioners.

SEC. III. That no persons shall be qualified to vote for the commissioners of said town, or to be a commissioner, clerk or marshal, of said town, except a *bona fide* resident of the place.

Voters.

SEC. IV. Repeals conflicting laws.

Approved 8th February 1866.

(No. 307.)

An Act to provide for the election of a town Council, for the town of Ringgold, in Catoosa county, in certain cases.

SEC. I. *The General Assembly of the State of Georgia do enact*, That if, from any cause, there shall be no member of the town Council, of the town of Ringgold, in Catoosa county, nor any other person authorized by law, to order, and hold an election, for members of said council, that the Justices of the Inferior Court of said county, or the Justice of the Peace, of the 930th district G. M. of said county, may, at any time, on giving ten days public notice

Inferior court or J. P. may order an election.

thereof, order an election for members of said town council, and such election may be superintended and held by any two freeholders, of said town.

SEC. II. Repeals conflicting laws.

Approved 10th February, 1866.

(No. 308.)

An Act, to amend an Act, incorporating the City of Rome, by authorizing the Mayor and Council to raise the fee for retail license, and to prohibit the erection of wooden buildings.

SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met,* That the Mayor and Council of the city of Rome, may raise the fee for license to retail spirituous liquors, to any sum not exceeding five hundred dollars, and may issue license to such person as they think proper.

Retail license—fee for.

SEC. II. That the said Mayor and Council may, by ordinance, prohibit the erection of wooden buildings, upon such streets, as to them, may seem necessary, for the safety of the city.

Wooden buildings—Council may prohibit erection of.

SEC. III. Repeals conflicting laws.

Approved 5th February, 1866.

(No. 309.)

An Act, to amend an Act, to incorporate the town of Smithville, in the county of Lee, and to confer other powers on the same.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That the second section of the above recited Act, be amended so as to read, "That the corporate limits of said town shall include all territory lying within three-fourths of a mile from the depot, except where the line encounters McKaloochee creek, which shall be the line until it reaches a point three-fourths of a mile from said depot.

Corporate limits.

SEC. II. Repeals conflicting laws.

Approved 19th February, 1866.

(No. 310.)

An Act, to alter and amend the charter of the town of Sparta, in the county of Hancock, so as to allow the Commissioners thereof to increase the license fee, for the retail of spirituous liquors.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority aforesaid,* That the charter of the town of Sparta, in the county of Hancock, be, and the

Charter altered and amended. same is hereby so altered and amended, as to allow the commissioners of said town to increase the license fees for the retail of spirituous liquors, to two hundred dollars.

SEC. II. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 311.)

An Act to incorporate the town of Springfield, to appoint Commissioners for the same, and for other purposes.

SEC. I. *The General Assembly do enact*, That Nathan Zettler, Dr. W. W. Wilson, Dr. W. H. Wilson, James R. Rahn, and Amos F. Rahn, and their successors in office, be, and they are hereby made a body corporate and politic, under the name and style of the Town Council of Springfield, and shall hold their office till the first Monday in January 1867, and until their successors are elected and qualified.

Incorporated.

SEC. II. That on the first Monday in January 1867, and on the first Monday in January of each subsequent year, an election shall be held, at the usual place of holding the Superior Court, in said town, for five Commissioners, to serve for one year subsequent to their election, and until their successors are elected and qualified, at which election no person shall be entitled to vote, excepting residents within the corporate limits of said town, who are entitled to vote for members to the General Assembly, at which elections three freeholders, resident in said town, may preside.

Annual election first Monday in January.

Voters.

SEC. III. The corporate limits of said town shall extend one half mile in every direction, from the Court-House therein.

Limits.

SEC. IV. The town council shall, at the first meeting after their election and qualification, elect, from their own number, a presiding officer, who shall be styled Chairman of the town council of Springfield, and appoint a Clerk and Marshal, who shall hold their office during the pleasure of the Council.

Shall elect presiding officer.

Clerk—Marshal.

SEC. V. A majority of said Council shall constitute a quorum for the transaction of business, and shall have the following powers: to pass all ordinances, necessary to regulate liquor traffic, in the corporate limits of said town; to grant license, and fix the price of the same; to suppress gambling, drunkenness, and any and all other species of crime, the punishment for which is usually vested in the council of corporate towns; to compel all persons, residents in said town, who are, under the laws of this State, subject to road duty, to work the streets in said town, or pay a poll tax, or a tax upon the property owned by them, in said town, or both, at the discretion of the said council, for the purpose of keeping up said streets, and to pass all other ordinances, necessary to promote the interest of said town, and not repugnant to the Constitution of Georgia, and the Constitution of the United States. They shall

Majority a quorum.

Powers.

Taxation.

have power to enforce obedience to their ordinances, by fine, or imprisonment, or both. To enforce Ordinances.

SEC. VI. The persons elected as members of said town council, shall, before entering upon the discharge of their duties, take an oath, faithfully and impartially, to discharge the duties of their office. Oath.

SEC. VII. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 312.)

An Act to incorporate the town of Steadman, in the county of Newton, and to confer upon the citizens of said town, the privilege of electing Commissioners, with certain rights and powers therein enumerated, and for other purposes.

WHEREAS, Enoch Steadman, and others, associated with him, have already commenced to build up a large manufacturing establishment, on the falls of the waters of Yellow River, in the county of Newton, known as the Henry Shoals; *and whereas,* it is desirable at once to lay out, arrange and establish, a town as the dwelling place, as well for the officers and operatives of the said manufactory, as for other persons who may choose to become inhabitants of the said town, and to provide for the preservation of good order, among the citizens and others, and for the purpose of protecting public and private property therein, and to keep in repair the public streets, roads and alleys, within the corporate limits of said town: Preamble.

SEC. I. *Be it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That Enoch Steadman be, and he is hereby authorized and empowered to lay out, arrange and establish, upon his own lands, on both sides of Yellow River, at, and near the Henry Shoals, in such manner and form, as he may deem best, and most suitable to his own interest, and the convenience of the said manufacturing establishment, now being built, as aforesaid, a town to be known and called by the name of Steadman, and that the said town of Steadman, be, and the same is hereby incorporated, and made a body politic and corporate; the limits of said corporation, shall extend from the mouth of a spring branch emptying into the Yellow river, on its east bank, a short distance below the dam, now being built across the said river, one mile in every direction. Town of Steadman to be laid out. Incorporated. Limits.

SEC. II. That the citizens of said town, qualified to vote for members of the General Assembly, may, at any convenient time, after this bill shall become a law, elect five fit and proper persons, to act as Commissioners, who, as well as their successors in office, shall have power to make such by-laws, rules, and regulations, Election of Commissioners.

for the government and good order of the said town, as they, or a majority of them, may deem necessary; *Provided*, The said by-laws, rules, and regulations, be not repugnant to the Constitution and laws of this State, or of the United States.

By-laws, &c.

SEC. III. That the said commissioners, so to be elected, as aforesaid, shall continue in office until the first Saturday in January, in the year eighteen hundred and sixty-seven; on which day, and on the first Saturday in each and every January thereafter, all persons entitled to vote for members of the Legislature, shall, at such place in said town, as shall be designated by a by-law of the said corporation, by ballot, elect five Commissioners, who shall continue in office one year, and until their successors are elected and qualified; *Provided*, That no person, except a resident of said town, shall be eligible to the office of Commissioner; the said elections shall be holden by three freeholders, who are citizens of the said town, whose duty it shall be to cause the polls of said election, to be opened, not sooner than nine o'clock, A. M., nor permit them to be closed before three o'clock, P. M.; and to receive the ballots, and count out the same, and give to the persons receiving the highest number of votes at said election, a certificate of his, or their, election; and if, from any cause, the said election should not be held, on the day aforesaid, then it shall be held at such other time as said commissioners, or a majority of them, may determine, upon giving five days notice thereof; and if a vacancy shall occur in the said Board of Commissioners, the remaining Commissioners, or a majority of them, to order an election to fill such vacancy, upon giving like notice thereof. Commissioners, and other officers of said corporation, shall be eligible to re-election.

Time of elec.

Elections.

Vacancy.

SEC. IV. That the Commissioners of said town, and their successors in office, shall have full power and authority to impose, and collect, a poll tax, upon the citizens of said town; and also, a tax upon all property, real, and personal, and stock in trade, in said town; *Provided*, Such poll tax shall not exceed one dollar, and such tax on property shall not exceed twelve and a half cents for every hundred dollars value thereof, for the term of one year; and that said Commissioners, or a majority of them, shall have full power and authority to impose and collect a tax, on all shows, exhibitions, and showmen, performing in said town, for the purpose of gain; and also, on all gaming tables, and games of hazard, as may be opened, established or played, in said town; *Provided*, That nothing herein contained, shall be construed to authorize the keeping of any such table, or practicing any such games, as are not authorized by the laws of this State, within the corporate limits of said town.

Power of taxation.

Proviso.

SEC. V. That the funds raised and collected as aforesaid, after defraying the expenses and charges incident to the levying and collecting the same, shall be applied by the said Commissioners, or a majority of them, to the necessary expenses and improvement of the said town, in such manner as to them shall seem advantageous.

Funds to be applied for benefit of town.

SEC. VI. That the said Commissioners, or a majority of them, shall have the power to prohibit the sale of spirituous liquors or fermented liquors, within the corporate limits of said town, or to grant or refuse a license to retail such liquors, under such regulations and restrictions, as they may from time to time prescribe. Power to prohibit sale of spirituous liquors. Licenses.

SEC. VII. Repeals conflicting laws.

Approved 21st February, 1866.

(No. 313.)

An Act to incorporate the town of Stilesboro, in the county of Bartow, to appoint Commissioners for the same, and for other purposes.

SECTION I. *The General Assembly of Georgia do enact*, That John T. Sproull, Larkin Floyd, W. O. Bowler, and their successors in office, be, and they are hereby made a body corporate and politic, under the name and style of the Town Council of Stilesboro, and shall hold their office until the first Monday in January 1867, and until their successors are elected and qualified. Corporation. Style. Tenure of office.

SEC. II. That on the first Monday in January 1867, and on the first Monday in January of each and every year thereafter, an election shall be held, for five Commissioners, to serve for one year, and until their successors are elected and qualified, at which elections no person shall be qualified to vote except those qualified to vote for members of the General Assembly. Annual election, time of. Voters.

SEC. III. The corporate limits of said town of Stilesboro, shall extend one mile in every direction, from the Stilesboro Institute; and the Commissioners of said town shall have power and authority to grant licenses to retail spirituous liquors, within said corporate limits, under such rules and regulations, as they may, by order or ordinance, prescribe; and also, to exercise all the rights, powers and privileges, incident to incorporated towns and cities. Limits extended. Powers.

SEC. IV. Repeals conflicting laws.

Approved 21st March, 1866.

(No. 314.)

An Act to extend the corporate limits of the town of Thomasville Georgia.

SEC. I. *The General Assembly of the State of Georgia do enact*, That the Act incorporating the town of Thomasville, in the county of Thomas, and the several Acts amendatory thereto, heretofore passed, and assented to, be so amended that the corporate limits of said town, be, and the same are hereby extended one mile, in all directions, from the Court-House, situated in said town; *Provided*, The lands situated in said extended limits, except improved lots, the gardens, out-buildings, and appurtenances thereunto attached, shall not be subject to be taxed by the authorities of said town. Limits extended. Provisos.

SEC. II. Repeals conflicting laws.

Approved 21st March, 1866.

(No. 315.)

An Act to incorporate a town to be called Vernonburg.

Limits.

SEC. I. *The General Assembly of the State of Georgia do enact as follows:* That all that district, or tract of land situate and lying in the County of Chatham, included between the seven (7) mile post and the nine (9) mile post on the White Bluff road, and straight lines drawn from each of said mile posts to the Vernon River, and along the Vernon River to the points at which said straight lines intersect it, shall be hereafter known and designated as the town of Vernonburg, and as such and by said name is hereby incorporated.

Intendant & Commissioners. When and how elected.

SEC. II. The corporate powers of said town shall be vested in an Intendant and three (3) Commissioners, who shall be elected by the owners of lots in said town on the first Wednesday in March next, and on the first Wednesday in March of every year thereafter, and shall hold their offices until their successors are elected and qualified.

Who to preside over elections.

Evidence of election.

SEC. III. Any two (2) lot owners in said town may preside over said election, and they shall give their certificate of election to the persons elected, which shall be conclusive evidence of that fact, and the persons having the highest number of votes shall be entitled to said certificate.

Oaths.

SEC. IV. Said Intendant and Commissioners, before they enter on the discharge of their respective offices, shall take an oath well and truly to discharge the duties thereof, which oath they are hereby authorized to administer to each other.

Ex officio Justices of the Peace.

SEC. V. Said Intendant and Commissioners shall be *ex officio* Justices of the Peace within the corporate limits of said town, so as to enable them to issue warrants for offences committed therein, and to bail and commit offenders according to law.

Powers.

SEC. VI. Said Intendant and Commissioners shall have power to abate all nuisances within said corporate limits, and to remove any obstructions upon the public streets, to license billiard tables, and ten pin alleys, upon such terms as they shall think proper, and to suppress and renew the same, and to punish by fine all persons who shall have or keep the same, without first obtaining license. And they shall have the sole and exclusive right of granting licenses to retail spirituous or fermented liquers within said corporate limits, and within one mile from the boundary thereof, and of fixing the rates of such licenses, and the terms upon which they shall issue, and of punishing by fine all persons who shall retail spirituous or fermented liquers, without first obtaining license, and said Intendant and Commissioners shall have power to pass such ordinances for the protection of the inhabitants and property of the town of Vernonburg, and the good government of the same, as they may deem right and proper, and shall have authority to elect such officer or officers as they shall deem necessary, in order to enforce such ordinances; *provided*, such ordinances do not conflict

with the laws of this State, or the United States, and to collect all fines by distress and sale.

SEC. VII. Any four lot holders of said town are authorized to order the place at which the first election for Intendant and Commissioners shall be held, of which they shall give at least ten (10) days previous notice, by posting a notice of the same in at least three (3) public places in said town, and after said first election the place of election shall, by said Intendant and Commissioners be established by Ordinance. Place of election.

SEC. VIII. Repeals conflicting laws.

Approved 6th March, 1866.

(No. 316.)

An Act to amend an Act incorporating the town of Weston, Webster County, Georgia, passed March the 6th, in the year 1856.

SEC. I. *The Legislature of Georgia do enact,* That from and after the passage of this Act, the corporate limits of the town of Weston, in the County of Webster, shall be extended to one mile in every direction, from the Academy, located in said town, and that the town Commissioners of said incorporation shall have the same jurisdiction over said extended territory as heretofore exercised over the limits previously incorporated, except as hereinafter mentioned. Corporate limits extended.

SEC. II. That the Commissioners aforesaid shall have full power to levy and collect such tax upon all taxable property, both real and personal, as may be included in the incorporate limits of said town, as may be necessary to defray all expenses that may be incurred in carrying out the provisions of this Act. Power to tax.

SEC. III. That said Commissioners shall have power to impose all such fines, for violations of the Ordinances of said town, as they may deem proper, not exceeding the sum of twenty dollars. To impose fines.

SEC. IV. Repeals conflicting laws.

Approved 16th February, 1866.

(No. 317.)

An Act to amend the several Acts of force in relation to the city of West Point, in Troup County, and to grant to the Mayor and Aldermen additional powers, and to define the same.

SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by authority of the same,* That from and after the passage of this Act, the Mayor and Aldermen of the city of West Point, under and by the name of the City Council of West Point shall be capable in law to purchase, hold, possess, sell and convey, real and personal estate, sufficient for the purposes and benefit of said City Council, and by the aforesaid name of the City Council of City Council may hold, purchase, real and personal.

May sue and be sued, &c.

West Point to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any Court of Law and Equity in the State of Georgia.

Tax not exceeding 2 per cent.

Sec. II. That the said City Council of West Point shall have power to assess such tax on the property within the corporate limits of said city, both real and personal, as well as merchandize of all kinds, as may be necessary for the good of said city, not exceeding two per cent., and shall have power and authority to enforce the collection of the same.

Tax on Cotton.

Sec. III. That the City Council of West Point shall have power to levy and collect such tax on cotton as may be stored in said city, such tax not to exceed one dollar per bale per annum.

License of bar rooms.

Sec. IV. That the City Council of West Point shall have power to establish the price for license on bar rooms, in said city, which said license shall not exceed one thousand dollars.

City ordinances.

Sec. V. That the City Council of West Point shall have power and authority to pass such ordinances for the welfare and government of said city as they may deem necessary, such ordinances not to conflict with the Constitution and laws of the State of Georgia, nor of the United States.

Sec. VI. That the Acts heretofore passed incorporating the city of West Point, together with all laws and parts of laws militating against this Act, be and the same are hereby repealed.

Approved 23rd January, 1866.

(No. 318.)

An Act to incorporate the town of Wrightsville, in the County of Johnson, to appoint Commissioners for the same, and for other purposes therein mentioned.

Commrs.

SEC. I. *It is hereby enacted by the General Assembly of the State of Georgia*, That Jeremiah Parker, Morgan A. Outlaw, N. L. Bostick, Charles W. Linder, and Frederick P. Reins be, and they are hereby appointed Commissioners of the town of Wrightsville, in the County of Johnson, with power and authority to make such by-laws for the government of said town as may be necessary for the preservation of good order; *provided*, such by-laws be not repugnant to the Constitution and laws of this State, or those of the United States.

May make by-laws.

Proviso.

Incorporated. Limits.

Proviso.

SEC. II. That the said town of Wrightsville is hereby incorporated, and the limits of the incorporation shall extend from the Court House, in every direction, three eighths of a mile; *provided*, it shall not extend to, or interfere with any of the territory placed, by agreement, under the control of the Trustees of Johnson County Academy.

Term of office.

Election how held.

SEC. III. That the Commissioners herein named and appointed, shall hold their appointments until the first Saturday in January, eighteen hundred and sixty-seven, when an election shall be held at the Court House in said town, superintended in the same man-

ner as an election for Justices of the Peace, for five Commissioners; and all persons entitled to vote for members of the General Assembly, who may have resided within the limits of said town, during the ten days preceding the election, or may own freehold property within the limits of said town, shall be entitled to vote for said Commissioners; and said Commissioners shall be elected annually thereafter in like manner. Voters. Election annual.

SEC. IV. That the Commissioners so appointed or elected, shall, as soon as convenient, appoint one of their number President, and shall also have power to appoint a Marshal, a Treasurer, and Clerk, all of whom shall be severally sworn faithfully to discharge the duties required of them as President, Commissioners, Marshal, Treasurer, and Clerk, to the best of their ability, during the time they may hold their appointments. Commrs. shall appoint a President. Also M'rshal, Treasurer. Clerk. Oath.

SEC. V. That the said President and Commissioners, or a majority of them, shall hold their meetings at such times and places within the limits of said town, as they may think proper; shall have power to levy a tax on real and personal property within the limits of said town, and for the benefit thereof; *provided*, said tax shall not exceed fifty per cent. on the State tax. They may, for the same purpose, collect a poll tax on persons living within the limits of said town, and liable to pay a poll tax to the State; *provided*, such poll tax, levied by said Commissioners, be not more than one dollar on each person. They may pass laws for taxing ten pin alleys, billiard tables, and other establishments calculated to encourage idleness, shows in the town performing for the purposes of gain, and itinerants trading within the limits of said town, and shall have power to regulate or prohibit the sale of spirituous liquors and other intoxicating drinks, within the limits of Wrightsville; *provided*, that persons selling such liquors under a license from said Commissioners shall not be exempt from also purchasing like license from the County authorities. Said Commissioners shall also have power to pass laws for enforcing order, for removing nuisances, and for the promotion of peace and good order. They shall also have power to punish offenders against their by-laws, by fine and imprisonment; *provided*, such fine shall not exceed ten dollars, or ten days imprisonment for each violation of their by-laws. They shall also have power to call out such persons as are liable to perform road duty, & who reside within said town, to work on the streets of said town, for a term not exceeding ten days in one year. Meetings, when, where. Power of taxation. Poll tax. May tax ten pin alleys, billiard tables, &c. Sale of spirituous liquors. Proviso. May pass laws for enforcing order, &c. May fine and imprison. Proviso. Work on streets.

SEC. VI. That the President appointed by said Commissioners, during his term of office, shall be clothed with the authority of a Justice of the Peace, so far as to authorize him, within the corporate limits of Wrightsville, to bind over offenders against the laws of the State, to answer for such offence to the Court having jurisdiction thereof; to collect such fines as may be assessed against offenders by this law, and to act as conservator of the peace. President J. P.

SEC. VII. That the said President and Commissioners shall re-

Marshal, Clk. and Treasurer shall give bond and security.

quire bond and security of their Marshal, Treasurer, and Clerk, in such amount as they may think proper, and may also allow them such compensation for services as the said Commissioners may deem just and proper.

SEC. VIII. Repeals conflicting laws.

Approved 23rd February, 1866.

TITLE III.

EXILE CAMP.

Sec. 1. Inferior Court of Terrell county authorized to sell Exile Camp.
Sec. 2. Proceeds to be paid into State Treasury.

(No. 319.)

An Act to authorize the sale of the Exile Camp, in the county of Terrell, and State of Georgia, and for other purposes.

SECTION I. *The General Assembly of the State of Georgia do enact,* That the Inferior Court of the county of Terrell be and are hereby authorized to sell and dispose of the "Exile Camp," with all its appurtenances in Terrell county. Said Court shall have power to sell said Camp by advertising the same, thirty days, and sell the same at the Court House door in said county, and make titles to the same.

Inferior Court of Terrell county may sell.

SEC. II. That the proceeds of such sale be paid into the Treasury of the State of Georgia.

Proceeds to State Treasury.

Approved 10th February, 1866.

TITLE IV.

EXEMPTIONS.

Sec. 1. Exemptions from street duty in the city of Atlanta.
Sec. 2. Additional exemptions in city of Augusta from jury duty.

(No. 320.)

An Act to exempt from street duty all persons who are or hereafter may become active members of either of the existing Hook and Ladder or Fire Companies of the City of Atlanta.

SECTION I. *The General Assembly of the State of Georgia do enact,* That all persons who now are or hereafter may become active members of either of the existing Hook and Ladder or Fire Companies of the city of Atlanta be exempt from street duty in said city. Exemptions from street duty.

SEC. II. Repeals conflicting laws.

Approved 8th March, 1866.

(No. 321.)

An Act for the encouragement of Richmond Fire Company, Number Seven, and for other purposes.

SECTION I. *Be it enacted,* That in addition to the number of firemen, now exempt from jury duty, belonging to the Richmond Fire Company number Seven, in the city of Augusta, twenty additional names on the list of the members of said Company are hereby exempted from all jury duty. Additional exemptions from jury duty.

SEC. II. Repeals conflicting laws.

Approved 23rd January, 1866.

TITLE V.

INDIAN SPRING RESERVE.

Sec. 1. John G. Park authorized to use water-power, and build mills on Reserve.
2. May make estimate of cost, and divide into shares. Subscription to stock. Transfer of.
Sec. 3. May receive tolls. Duration of grant. Rights to revert to the State.

(No. 322.)

An Act to authorize the use of the water-power on the shoal and falls on the Reserve at Indian Spring, with the privilege of building saw and grist mills thereon.

Preamble.

WHEREAS, Said falls and water-power in the stream passing through said Reserve, in the county of Butts, are on the lands of the State, and cannot be used for such mills without authority, and the granting of certain rights and privileges by the State to the citizens of said place, or to other persons; *And Whereas*, such mills are greatly needed for the accommodation of citizens of the village at Indian Spring, on said Reserve, and of the whole of that neighborhood, as well as for the public generally, and the same may be erected thereon without injury by any overflow or pond on said lands, or on other lands at said place, without any inconvenience to the citizens, or the public, or possible danger of affecting the healthiness of said place by reason thereof;

Jno. G. Park, &c., authorized to use water power and build mill on Reserve.

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same*, That for the purpose of empowering the citizens of said place, and neighborhood, to build said mills, and of granting the certain rights and privileges necessary to the use and occupancy thereof on said Reserve, John G. Park, one of said citizens, and his heirs and assigns, as herein directed and designated, be, and they are hereby authorized to have and use said water-power and falls, with the privilege of erecting with the stone thereon and contiguous thereto, on the grounds (not more than one fourth of an acre to be selected by him, or them, at or near the foot of said falls to be so used) of said Reserve for suitable structures, and a house for said mills, and a canal or race to be constructed on the bed of said stream within its banks, and a breakwater or dam near the top of said falls to turn or conduct the water of said stream into said canal or race. Said dam or breakwater not to be constructed, nor any other work, so as in anywise to cause any overflow or pond by the water of said stream upon said lands.

Restrictions.

May make estimate of cost.

SEC. II. That said John G. Park, his heirs or assigns, for the purpose of having said mills built and ready as soon as practicable for the accommodation of the public may make an estimate of the pro-

bable cost and expense to be incurred in building and conducting and managing the same, and may divide the aggregate thereof into as many equal shares or portions as they may deem advisable and proper; to be offered, taken, and subscribed for, and paid in by the citizens of said place, and in case the same is not taken or subscribed for and paid in by said citizens in a reasonable time said shares or interest, or any part thereof undisposed of as aforesaid may then be taken, subscribed and paid for by other persons citizens of said State, elsewhere. Certificates, or other evidence of such interest or share of stock, for the amount taken and paid for, may be given by him, or them, to the persons subscribing, and may be transferred by assignment to entitle the holder thereof to the portion of interest therein specified and conveyed. Shares. May transferred.

SEC. III. That said John G. Park, his heirs and assigns, or such persons to whom he or they may so convey said rights and privileges as aforesaid, shall be entitled to have, take, and receive such toll or compensation for grinding of grain, &c., at such mills as is by law allowed therefor at other mills; and may use, control, and have the occupancy and rights herein granted and authorized to him, his heirs, and their assigns as aforesaid, for and during the term of twenty (20) years from and after the passage of this Act, when the said rights, &c., shall revert to said State, with all the improvements, buildings, &c., so authorized and constructed on said Reserve as aforesaid. Toll. Duration. Rights to revert.

Approved 23rd February, 1866.

TITLE VI.

JUSTICES COURTS.

SEC. 1. Justices Court 97th Dist. G. M. to be held at Sandersville. | SEC. 2. Two days session authorized.

(No. 323.)

An Act to change the place of holding the Justices Court in the 97th District Georgia Militia, of Washington county, authorizing two days session of said Court.

1. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That from, and after the passage of this Act, the place of holding the Justices Court, in said District, shall be changed to Sandersville; and it is further enacted by the Justices Court to be held at Sandersville.

authority of the same, that the Justices of the Peace, of said District, are authorized and required to hold their Courts at the usual place of holding the Superior Courts, in said town of Sandersville.

Two days special authorized.

2. SEC. II. That the Justices of the Peace of said District, are authorized and required, in the event they fail to dispose of the business of said Court on Saturday, the day now designated by law, for holding said Court, that they adjourn said Court over, to the following Monday, for the purpose of completing the unfinished business of said Court.

SEC. III. Repeals conflicting laws.

Approved 1st February, 1856.

TITLE VII.

KNOXVILLE CAMP GROUND.

SEC. 1. Certain persons appointed Trustees.
" 2. Conference may fill vacancies.
SEC. 3. Real estate may be sold.
" 4. Title conveyed.

(No. 324.)

An Act, to appoint certain persons therein named, Trustees of the Knoxville Camp Ground, Crawford county Georgia, and to vest certain powers in them.

Preamble.

WHEREAS, By the act incorporating the Knoxville Camp Ground of Crawford county, Georgia, certain persons therein named, were appointed Trustees for the same, and said Trustees having all died, or removed from said county, and no provisions having been made to fill such vacancies; for remedy whereof:

Trustees appointed.

1. SEC. I. *The General Assembly of the State of Georgia do enact*, That Orrin S. Woodward, Wesley F. Smith, Cary H. Smith, Vincent Nichols, and Augustus Danielly, be, and they are hereby appointed Trustees of the Knoxville Camp Ground, of Crawford county, in the place of those deceased and removed.

Conference may fill vacancies.

2. SEC. II. That in the event of any future vacancy occurring in said Board, by death, removal, or otherwise, the Quarterly Conference of the Methodist Episcopal Church South, of the circuit in which said camp ground is situated, are hereby vested with authority to fill the same by appointment.

Power to sell real estate.

3. SEC. III. That the Trustees, with the consent of the said Quarterly Conference, shall have power to sell, either publicly or privately, and convey all the real estate belonging to said camp ground, and dispose of the proceeds of sale, in such manner as said Quarterly Conference may direct.

4. SEC. IV. That said sale, when thus made, shall convey a good title to the purchaser, and the same shall be held and taken to be valid and binding, in any Court of law or equity, in this State. To make title.

SEC. V. Repeals conflicting laws.

Approved 1st February, 1866.

TITLE VIII.

RELIEF.

SEC. 1. Arthur Hutchinson Admr. relieved from tax fi fa.
" 2. Isaac Hardeman to be paid for services.
" 3. Artemesia A. E. Jones, to receive property as a *feme sole.*
" 4. Olivia Kate Wallace declared adopted child.
" 5. L. A. Whitley, a non-resident, may be appointed Administrator.
" 6. John S. Edmondson relieved from penalty for vending drugs, &c., without license.
" 7. Moses G. Collins relieved from penalties.
" 8. Miley Howard relieved from penalties.
" 9. Martha A. Lester relieved from penalties.
" 10. Richard L. Haynes and others relieved from liability on bond.
" 11. Jasper J. and William Owen, relieved from penalties, for illegal distillation.
" 12. Dickerson Taliaferro relieved from penalties.
" 13. Terry L. Cox pardoned.
" 14. John W. Martin pardoned.

(No. 325.)

An Act for the relief of Arthur Hutchison, of the county of Campbell, Administrator on the estate of Benjamin G. Barker deceased, against a tax fi fa, issued by the Tax-Collector of the county of Clinch.

WHEREAS, Any one owning five thousand (5000) acres of land, in any county in this State, shall pay tax on the same, in said county; *And Whereas*, The Collector of tax, for the county of Clinch, issued a fi fa against Arthur Hutchison, of the county of Campbell, Administrator on the estate of Benjamin G. Barker, deceased, as a defaulter in tax, for the year one thousand eight hundred and sixty-one, (1861,) after he had, by sale, reduced the number of acres below five thousand (5000,) therefore: Preamble.

1. SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That from, and after the passage of this Act, the said Arthur Hutchison, Administrator on the estate of Benjamin G. Barker, deceased, is hereby relieved from all pains and penalties, of such tax fi fa; *Provided*, he shall show that he has paid said taxes in some other county. Arthur Hutchison relieved.

SEC. II. Repeals conflicting laws.

Approved 21st February, 1866.

(No. 326.)

An Act for the relief of Isaac Hardeman of the county of Jones.

Gov. authorized to pay Isaac Hardeman for services.

2. SEC. I. *The General Assembly of the State of Georgia do enact,* That His Excellency, the Governor, be and he is hereby authorized and requested to draw his warrant on the Treasury of this State in favor of Isaac Hardeman, of the county of Jones, for the sum of twenty five dollars, with interest thereon from the 27th day of October, 1857, for legal services rendered the State of Georgia in the prosecution of a bond to judgment against John M. Woodall, of Jones county, at the October term of the Superior Court of said county, in the year 1857.

SEC. II. Repeals conflicting laws.

Approved 20th February, 1866.

(No. 327.)

An Act to authorize Artemesia A. E. Jones, wife of James M. Jones, of Bibb county, to receive and receipt for any property she is or may hereafter be entitled to by inheritance or otherwise, where the same is not limited over, in the same manner as though she were a feme sole.

Mrs. Jas. M. Jones authorized to act as feme sole.

3. SEC. I. *The General Assembly do enact,* That Artemesia A. E. Jones, wife of James M. Jones, of Bibb county, Georgia, (said James M. Jones having assented thereto,) be and she is hereby authorized to receive and receipt for any and all property she is now or may hereafter be entitled to, where there is no limitation over, as she might or could do were she a *feme sole,* and that her receipt for the same shall be binding and of full force; that she be allowed to sue and be sued, contract and be contracted with, for and concerning said property, as though she were a *feme sole.*

SEC. II. Repeals conflicting laws.

Approved 20th February, 1866.

(No. 328.)

An Act to declare Olivia Kate Wallace, of the county of Morgan, the adopted child of Stephen B. Jones, late of said county, deceased, so as to enable her to take and receive any property or legacy to which she may be entitled by his last will and testament.

Preamble.

WHEREAS, Stephen B. Jones, of Morgan county, deceased, did by his last will and testament, give to Olivia Kate Wallace certain property, coupled with the desire that she should be adopted as his child before she could possess or take the same; therefore,

Olivia Kate Wallace declared adopted.

4. SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That the said Olivia Kate Wallace be declared the adopted child of said Stephen B. Jones, so as to enable her to take and re-

ceive any property or legacy to which she may be entitled under his last will and testament.

Approved 26th March, 1866.

(No. 329.)

An Act to authorize the Ordinary of Newton county to issue letters of administration to L. A. Whatley, a non resident, on his giving bond and security.

WHEREAS, James D. Johnson, of Newton county, Georgia, died intestate, leaving a solvent estate; *And whereas*, his heirs all reside in Texas, and have empowered L. A. Whalley, by duly authenticated power of attorney, to represent said estate and wind the same up, which can be done without delay; *And whereas*, the said L. A. Whalley, one of the heirs, a non resident, desires to take out letters of administration,

Preamble.

6. Sec. I. *Be it enacted*, &c., That the Ordinary of Newton county be and he is hereby authorized, upon the exhibition of the letters of attorney from the several heirs of said estate, to issue letters of administration to the said L. A. Whalley, upon his giving bond and security as now required by law when letters of administration are issued to citizens of Georgia.

Ordinary may issue letters of administration.

Sec. II. Repeals conflicting laws.

Approved 21st March, 1866.

(No. 330.)

An Act for the relief of John S. Edmonson, of the county of Wilkes, and for other purposes.

WHEREAS, Since the war, John S. Edmonson was requested by the citizens of Wilkes county to make arrangements for the supply and sale of drugs to the citizens of said county, there being at that time a great necessity for the same; *And whereas*, the said Edmonson, not knowing that there was a Board of Physicians from whom license might or should be obtained, did procure and sell drugs since the war without such license,

Preamble.

6. Sec. I. *For remedy thereof, be it enacted*, That John S. Edmonson, an apothecary of Wilkes county, be and he is hereby relieved from all the pains and penalties which he may have incurred by reason of having vended drugs and medicines in this State without the necessary license.

Act relieving John S. Edmonson.

Sec. II. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 331.)

An Act for the relief of Moses G. Collins of the county of Whitfield.

Preamble.

WHEREAS, Moses G. Collins, of the county of Whitfield, intermarried pending the war with Caroline Carmile, under a rumor of a reliable character, that the husband of the said Caroline, to whom she had previously married, was killed at the battle of New Hope Church, proved not to be the case,

Act relieving Moses G. Collins.

7. Sec. I. *Be it enacted by the General Assembly of Georgia*, That said Moses G. Collins, of the county of Whitfield, is hereby relieved from all pains and penalties under existing laws in this State, in consequence of said marriage.

Sec. II. Repeals conflicting laws.

Approved 9th March, 1866.

(No. 332.)

An Act for the relief of Miley Howard, former wife of Simon P. Howard, of Pierce county, Georgia.

Preamble

WHEREAS, Miley Howard was married to Simon P. Howard, in 1854; *And whereas*, afterwards, the said Simon P. sued for, and obtained a divorce from said Miley, *and whereas*, the said Simon P., has since intermarried with a Miss Woods:

Act for the relief of Miley Howard.

S. SECTION I. *Be it therefore enacted by the General Assembly of Georgia*, That from, and after the passage of this Act, Miley Howard, of the county of Pierce, be, and she is hereby relieved, released, and fully exonerated, from all liabilities, disabilities, pains or penalties, by her incurred, by reason of the intermarriage between her, and her former husband, Simon P. Howard, and that she be, to all intents and purposes, fully authorized to contract and enter into marriage, as fully and as legally, as if she had never been married to said Simon P. Howard.

SEC. II. Repeals conflicting laws.

Approved 12th March, 1866.

(No. 333.)

An Act for the relief of Martha A. Lester, of the county of Fulton.

Preamble.

WHEREAS, Martha A. Lester, of the county of Fulton, was, on the 24th day of February, 1864, married to John R. Millen, *and whereas*, the said John R. Millen, at the time of such marriage, did have another living wife, which fact was, at the time, unknown to the said Martha A. Lester, and immediately upon the fact being made known, she separated from the said Millen, and commenced criminal proceedings against him, therefore:

9. SEC. I. *The General Assembly of the State of Georgia do enact*, That the said Martha A. Lester, of the county of Fulton, be, and she is hereby relieved from all pains and penalties of the laws of this State, incurred by reason of her intermarriage as aforesaid, with the said John R. Millen. Act relieving Martha A. Lester.

Approved 21st February, 1866.

(No. 334.)

An Act for the relief of R. L. Haynes, M. J. Seals, A. H. Teasley, Isham Teasley, Hampton Smith, J. M. Childress, A. P. McPherson, S. F. Kincannon, W. P. Brown, R. A. Camp, and L. P. Brown, of Milton county, in this State, securities of B. T. Handley, who was indicted under the name of Thomas Handley, at the March term of the Superior Court, eighteen hundred and sixty-five, of said county of Milton, for the offence of robbery.

WHEREAS, At the said March term of the Superior Court, eighteen hundred and sixty-five, of said county of Milton, the Grand Jury of said county found a true bill against said B. T. Handley, under the name of Thomas Handley, for the offence of robbery; and at the said March term of said Court, on the 29th day of March 1865, the said Handley gave his bond, with the above named persons as his securities, in the sum of two thousand dollars, conditioned for his personal appearance at the next ensuing term of the Superior Court of said county of Milton, to answer said charge; *And whereas*, at the November term, eighteen hundred and sixty-five, being the next ensuing term of said Court, for said county, after the giving of said bond, said case was called in its order, and the said Handley failed to appear in Court, at the call of the Sheriff, when his said bond was then and there forfeited, and a judgment and order *nisi* was then and there taken, ordering the Clerk to issue *scire facias* against the said Handley, and his securities, and hand the same to the Sheriff, in order that the parties might be served; *And whereas*, the said Handley, after the giving of said bond, went into the Military service of the Confederate States, and his whereabouts is unknown to the officers of said Court, and also, unknown to his said securities; *And whereas*, at the next term of the Superior Court of said county of Milton, unless relieved by this General Assembly, judgment must be entered up against the said Handley, and his securities, for the full amount of said bond, with all the costs incident thereto; for remedy whereof: Preamble.

10. SEC. I. *The General Assembly of the State of Georgia do enact*, That all the parties in interest, to be affected thereby, having consented thereto, in writing, the said Richard L. Haynes, M. J. Seals, A. H. Teasley, Isham Teasley, Hampton Smith, J. M. Childress, A. P. McPherson, S. F. Kincannon, W. P. Brown, R. A. Camp and L. P. Brown, securities as aforesaid on the bond of said Handley, be, and they are hereby released and fully discharged, from all lia- Securities released except for costs.

bility to pay, or have judgment entered up against them on said bond, except for the costs that may be due the officers of said Court, including the Solicitor General's costs and all the costs incident to said case, notwithstanding any law of this State to the contrary.

Approved 23rd February, 1866.

(No. 335.)

An Act for the relief of Jasper J. Owen and William Owen, of the county of Franklin.

Preamble.

WHEREAS, Jasper J. Owen and William Owen, of the county of Franklin, were indicted at the April term, 1865, of the Superior Court of Franklin county for a violation of the laws of the State against the unlawful distillation of grain, *And Whereas*, the said Jasper J. Owen and William Owen acted in ignorance of the law, having taken a contract in good faith from Col. T. T. Dorrough, commanding the — Regiment, Confederate States army, who reported to them that he had a contract with the Confederate States government to make for the use of said government fifteen thousand gallons of whisky; *And Whereas*, the said Col. T. T. Dorrough employed and engaged with them to make a portion of said whisky, which they did, and delivered the same to the said Col. T. T. Dorrough, not being aware that in so doing they were violating the laws of Georgia, *And Whereas*, the said Jasper J. Owen and William Owen are poor men, and unable to pay a large fine; For remedy whereof,

Jasper J. and William Owen relieved.

11. SECTION I. *Be it enacted by the General Assembly*, That the said Jasper J. Owen and William Owen be, and they are hereby relieved from all the pains and penalties by them incurred for a violation of the distillation laws of this State, and that the Solicitor General of the Western Circuit be, and he is hereby required to *nol. pros* the said indictment on payment of the costs which have accrued thereon.

Approved 20th March, 1866.

(No. 336.)

An Act for the relief of Dickinson Taliaferro, Jr., of the county of Whitfield.

Preamble.

WHEREAS, In the latter part of the year 1864 a lieutenant and private soldier of the late Confederate army, connected with General Wheeler's cavalry, who had been captured by the Federal troops, and having made their escape came to the house of Dickerson Taliaferro, Sr.; as a means of aiding said soldiers to return to their command Dickerson Taliaferro, Jr., advised said soldiers to get two horses which were secreted near by, which was done, and said soldiers returned to their commands.

12. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That said Dickerson Taliaferro, Jr., of the county of Whitfield, is hereby relieved from all pains and penalties under existing laws for discovering said horses to said soldiers, and for participating in getting said horses for said soldiers. Relieves Dickerson Taliaferro, jr.

SEC. II. Repeals conflicting laws.

Approved 21st March, 1866.

(No. 337.)

An Act, for the relief of Terry L. Cox, a convict in the Penitentiary of Georgia.

13. SEC. I. *The General Assembly do enact*, That on the first day of March, one thousand eight hundred and sixty-six, Terry L. Cox, a convict in the Penitentiary of Georgia, from the county of Cass, found guilty of the crime of murder, by a Jury of his county men, on the fifteenth day of September, one thousand eight hundred and fifty-three, and sentenced to confinement, and hard labor, in the Penitentiary of said State, by Judge Irwin, for the term of ninety-nine years, be set at liberty, and forever discharged from said penalty. Pardoned.

Approved 20th February, 1866.

(No. 338.)

An Act, for the pardon of John W. Martin, now confined in the Penitentiary, for the crime of murder.

14. SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General assembly met, and it is hereby enacted by the authority of the same*, That John W. Martin, now confined in the Penitentiary for the crime of murder, be, and he is hereby pardoned. Pardoned.

SEC. II. Repeals conflicting laws.

Approved 8th March, 1866.

RESOLUTIONS

ADOPTED BY

THE SENATE

AND

HOUSE OF REPRESENTATIVES,

OF THE

STATE OF GEORGIA.

DURING A SESSION OF THE GENERAL ASSEMBLY, HELD AT MILLEDGEVILLE, IN DECEMBER 1865, AND JANUARY, FEBRUARY, AND MARCH, 1866.

RESOLUTIONS.

No. 1, In reference to adoption of amendment to Constitution of the United States.

" 2, Appointing joint Committee to make arrangements for the inauguration of the Governor elect.

" 3, Relative to adjournment.

" 4, In reference to continuance of cases against the Banks of this State.

" 5, Authorizing Treasurer to make certain advances.

" 6, In reference to selling debris of Ga. Military Institute.

" 7, Requesting the revocation of the order of the Secretary of War, relative to branded stock in this State.

" 8, Requesting the Governor to direct the Inferior Courts to report number of destitute disabled soldiers and soldiers' widows and orphans.

" 9, In relation to improvement of Public Grounds and Buildings.

" 10, In reference to the President of the United States.

" 11, Relative to the revision of the Code of Georgia by Hon. David Irwin.

" 12, Authorizing his Excellency the Governor to borrow, upon the faith and credit of the State, the sum of one hundred thousand dollars.

No. 13, Requesting of the President of the United States "if not a withdrawal of the troops a surrender of private property, and the restoration of the writ of Habeas Corpus."

" 14, To appoint a Committee of three from the House and two from the Senate to take into consideration that part of the Governor's Message which relates to the State's interest in the Card Factory.

" 15, Authorizing the appointment of a joint Committee to inquire into the present condition of the Executive Mansion.

" 16, Requesting the Governor to intercede with the President for the restoration of property on Wilmington, Whitmarsh, Skidaway, Sapelo, and other islands, to lawful owners.

" 17, Bringing on certain elections.

" 18, Requesting the Governor to call upon the several Banks of this State to make a return of their condition, conformably to the law now existing, within ten days.

" 19, To authorize the Governor to prosecute the claim of this State for cotton lately seized by the Federal army.

Captions to Resolutions.

No. 20, In relation to the Card Factory recently in operation in the Penitentiary.
" 21, In reference to a final settlement of the State's interest in the Cotton Card Factory.
" 22, For appointment of a joint Committee to draft a bill authorizing and establishing a State Orphan Home or Homes.
" 23, Respecting the penalty of the bond of Aaron Thornby, principal, and Edward R. Harden, security.
" 24, Requesting the Comptroller General to furnish certain information.
" 25, Relative to the Commissioners appointed by the late Convention to investigate the condition of the finances of the State from 1861.
" 26, Providing for the appointment of a joint Committee to examine into the proceedings of the Board of Directors, appointed for the Western & Atlantic Rail Road, by the Provisional Governor.
" 27, Requesting the Secretary of the Treasury of the United States to suspend the collection of the Internal Revenue Tax in Georgia, and requesting Congress to allow this State to assume and collect the same.
" 28, Requesting the Comptroller General to furnish certain information in regard to the Banks of this State.
" 29, Requesting a mail route to be established from Doctortown to Ocmulgeeville.
" 30, Appointing a Committee to examine State Library.
" 31, Expressing the cordial endorsement by the General Assembly, of the address of Hon. A. H. Stephens.
" 32, Accepting the benefit of certain Acts of Congress of the United States donating lands for certain purposes.
" 33, Requesting the Governor to memorialize the Secretary of the Treasury in regard to the seizure of cotton in certain cases.
" 34, Authorizing the distribution or disposition of surplus books in the State Library.
" 35, Requesting the Postmaster General to recommend the establishment of certain mail routes.
" 36, For appointment of a Committee of sixteen to digest and report a common school system to the next session of the General Assembly.
" 37, Making the Committee on the Governor's Message in relation to providing corn for the destitute joint Committee.
No. 38, Allowing the Secretary of State to employ a Clerk in his office for the purpose of replacing destroyed maps in the Surveyor General's office.
" 39, Requesting the Governor to pardon Epsey Wood, a convict in the Penitentiary from the County of Franklin.
" 40, Requesting his Excellency the Governor to instruct the Superintendent of the Western & Atlantic Rail Road to give certain aid to farmers and other persons upon said Rail Road.
" 41, Asking that the President will have certain mail routes opened in the State of Georgia.
" 42, To authorize certain persons to cast the vote of the State in elections held by the Atlantic & Gulf Rail Road Company.
" 43, Allowing M. P. Quillian certain privileges.
" 44, Authorizing the Comptroller General to audit certain claims for printing and publishing.
" 45, Authorizing and requesting the Governor to purchase Wellborn's Pamphlet of Public Laws, &c., of the present session, for certain County officers.
" 46, In relation to his Excellency the President of the United States.
" 47, For the appointment of a joint subcommittee to visit and report upon the Deaf & Dumb Asylum at Cave Spring.
" 48, Authorizing his Excellency the Governor to appoint Commissioners to examine and report upon the propriety of removing the Penitentiary, or of establishing an additional one, and report all the facts and information to the next meeting of the General Assembly.
" 49, Requiring the Superintendent of the Lunatic Asylum simply to supervise the accounts made by the Steward.
" 50, Authorizing the Governor to have a test made of the matters of difference between the State of Georgia and the United States touching the Western & Atlantic Rail Road.
" 51, To allow the Secretary of the Senate and Clerk of the House ten days to bring up the unfinished business.
" 52, Authorizing the Governor to appoint a Committee to examine Digest of Reports of Supreme Court, by A. O. Bacon, Esq.
" 53, For appointment of Committee to notify his Excellency of readiness to adjourn, *sine die*.

(No. 1.)

Resolution.

WHEREAS, The Congress of the United States has, under the 5th Article of the Constitution of the United States, proposed an amendment to said Constitution, in the words following, to-wit:

"Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted,

shall exist within the United States, or any place subject to their jurisdiction.

Sec. 2d. Congress shall have power to enforce this Article by appropriate legislation."

Which amendment was approved on the 1st of February, 1865,

Therefore, be it Resolved, by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That the said amendment to the Constitution of the United States, be and the same is hereby ratified and adopted.

Amendment to Constitution of U. S. abolishing slavery ratified.

Resolved, That a certified copy of the foregoing Preamble and Resolutions be forwarded by his Excellency the Provisional Governor, to the President of the United States, and also to the Secretary of State of the United States.

Assented to December 9th, 1865.

J. JOHNSON,
Pro. Gov. of Ga.

(No. 2.)

Resolved, by the Senate and House of Representatives, That a Committee of two from the Senate and three from the House of Representatives be appointed to make suitable arrangements for the inauguration of the Governor elect.

Committee to make arrangements for inauguration.

Assented to 13th December, 1865.

J. JOHNSON,
Pro. Gov. of Ga.

(No. 3.)

Resolved, by the Senate and House of Representatives, in General Assembly met, That when the two bodies adjourn on Friday the fifteenth instant, we adjourn to meet on the fifteenth day of January next.

Recess.

Resolved, That a copy of the above Resolution be transmitted by the Clerk of this House to the Governor.

Approved 15th December, 1865.

(No. 4.)

Resolved, by the Senate and House of Representatives, That all suits now commenced, or which may be instituted in any Court of the State against any incorporate Bank of the same, stand continued until the final adjournment of the present General Assembly.

Suits commenced against Banks Continued.

Approved 15th December, 1865.

(No. 5.)

Resolved, by the Senate and House of Representatives, That the Treasurer of the State be authorized to advance to each mem-

Tr. auth'd to advance money to members of Legislature.

ber of the General Assembly and its officers the sum of one hundred and fifty dollars, the same to be accounted for in a settlement of their final accounts for *per diem* and mileage.

Auth'd to advance $20,000 for support of Lunatic Asylum.

Resolved, That the Treasurer be authorized to advance the sum of twenty thousand dollars ($20,000,) as an advance for the support of the State Lunatic Asylum, for the years 1865 and 1866. And that the sum of twenty-five hundred dollars be advanced to the Trustees of the Blind School for the support of the same.

Approved, provision having been previously made by law for these cases. CHARLES J. JENKINS, Governor.

16th December, 1865.

(No. 6.)

Sale of debris of buildings of Military Institute.

The General Assembly do Resolve, That any two or more of the Inspectors of the Georgia Military Institute be and are hereby authorized, in connection with the Hon. David Irwin, President of the same, to sell, either at public or private sale, any portion of the debris of the buildings of said Institute, that may, in their discretion, greatly deteriorate in value by delay; the nett proceeds to be paid into the Treasury of Georgia.

Approved 16th December, 1865.

(No. 7.)

Preamble.

Whereas, The people in many sections of this State have become possessed of many horses and mules branded "U. S." and "C. S." by purchase and otherwise; *And whereas*, under the recent order of Maj. Gen. Steadman, they were led to believe that the Federal Government would not interfere with them in the right to hold, use and dispose of said horses and mules; *And whereas*, acting under this impression, many innocent parties have become the owners of said stock by purchase and otherwise; *And whereas*, a more recent order of the Secretary of War, ordering the U. S. soldiers to take up, in the name of the Federal Government, all the branded stock found in the hands of the people, will work a great hardship, and deprive some of our poorest and most needy citizens of the means of making a subsistence for themselves and families,

Requesting Secretary of War to allow owners of branded stock to retain the same.

Be it therefore Resolved, That the General Assembly of the State of Georgia most earnestly, but respectfully, request that the Secretary of War do revoke said order, and do allow the present owners of said branded stock to retain the same.

Gov. requested to transmit copy to Secretary of War.

Be it further Resolved, That His Excellency, the Governor, be requested to transmit a copy of this preamble and resolution to the Secretary of War.

Assented to 18th January, 1866.

(No. 8.)

Resolved, That His Excellency, the Governor, be requested to direct the Inferior Courts of the several counties of this State to re-

port to the Comptroller General, by the 15th of January next, the number of destitute soldiers' widows and orphans and disabled soldiers in their several counties; also the number of such widows, orphans and disabled soldiers who are able in part to support themselves; and also the probable amount of bread stuff required to supply such persons till the first day of October, 1866.

Requesting Gov. to direct Inf. Cts. to make reports concerning disabled soldiers, &c.

Approved 18th January, 1866.

(No. 9.)

Resolved, That so much of the Governor's Message as relates to the improvement of the public grounds and the necessary repairs of public buildings, be referred to a joint committee of both branches of the General Assembly, with directions to report upon the same at as early a day as practicable.

Part of Gov's Message referred to Committee.

Assented to 18th January, 1866.

(No. 10.)

Whereas, It is one of the privileges if not duties of this General Assembly, convened under circumstances so peculiarly interesting and important to the future of Georgia and her people, now that it is about to adjourn over its session for a brief period, not to do so until it shall have given some expression of its high appreciation of the President of the United States, through whose justice and magnanimity, and through whose regard for the constitutional rights of the States, civil government has again been put in motion at the capital of this State,

Preamble.

Therefore be it Resolved, by the Senate and House of Representatives of the State of Georgia in General Assembly met, That in Andrew Johnson, the Chief Magistrate of the American Republic, Georgia, in her recent past, while yielding to a power she could not successfully resist, and in her present condition moving onward in the work of reconstruction, has felt a sustaining arm, and will ever be grateful for the generous clemency extended by him to her people, the magnanimity displayed toward them, and the determined will that says to a still hostile faction of her recent foes, "thus far shalt though go, and no farther," "peace, be still."

Endorses policy of President Johnson.

Assented to 19th January, 1866.

(No. 11.)

Whereas, David Irwin, of the county of Cobb, one of the Commissioners who prepared the Code of Georgia, is engaged in and has nearly completed a careful revision of said Code, excluding therefrom all such parts as have been repealed, and including all laws passed since the adoption of the Code, which are now of

Preamble.

force, so as to make said Code conform to the 5th Clause of the 1st Section of the 5th Article of the new Constitution of this State, with the addition, under appropriate heads, of such general laws as the General Assembly may enact at its present session; *And whereas*, the said David Irwin petitions the General Assembly to provide for the appointment of a committee to examine and report upon the work,

The General Assembly do therefore Resolve, That so soon as His Excellency shall be informed by the said David Irwin, that the said revision of the Code is completed, His Excellency, the Governor, be and he is hereby authorized and directed to appoint a committee of three competent gentlemen, whose duty it shall be to examine said revised Code, and report the result of such examination to His Excellency, the Governor of the State.

Gov to appoint Committee to examine revision of Code.

Assented to 19th January, 1866.

(No. 12.)

Resolved, That His Excellency, the Governor, be and he is hereby authorized and empowered to borrow, upon the faith and credit of the State, the sum of one hundred thousand dollars.

Gov. auth'zd. to borrow $100,000.

Approved, to be executed under ordinance by the Convention, 20th January, 1866.

CHARLES J. JENKINS,
Governor.

(No. 13.)

Whereas, The people of Georgia, in Convention and by legislative action, have in good faith accepted the issue of the late war, and are bound by every principle of honor and motive of interest, to defend and uphold the Constitution and the laws of the United States, and the Government thereof; *And whereas*, such is well known to be our fixed and settled determination, we can therefore perceive no good reason for the longer continuance of military law or forces in our State, except such as may be requisite for a peace establishment, nor can we see the necessity for the seizure and occupancy of private property by the military authorities,

Preamble.

Be it therefore Resolved, by the General Assembly of Georgia, That His Excellency, the Governor, be requested to communicate to His Excellency, the President of the United States, our fixed and unalterable purpose to observe, obey and defend the Constitution and laws of the United States, and the Government thereof, and to maintain by all the power of the State the supremacy of said laws, and to ask of him, if not a withdrawal of the troops of the United States from the State, a surrender of all private property belonging to individuals, and a restriction of the military to the occupation of barracks, forts and arsenals, or such other quar-

Gov'r. requested to make request of President.

ters as the Government may furnish upon contract and compensation; and further to restrict the military to the management and control of the troops, and the enforcement (if necessary) of the laws of the United States, as expounded by civil tribunals, appointed and established in conformity to law; and to this end, we earnestly invoke the restoration of the privilege of the writ of "Habeas Corpus."

Approved 22nd January, 1866.

(No. 14.)

Resolved, That a committee, consisting of three from the House of Representatives and two from the Senate, be appointed to take into consideration that portion of the Governor's Message which relates to the State's interest in the Card Factory.

Committee appointed to consider State's interest in Card Factory.

Approved 23rd January, 1866.

(No. 15.)

Resolved by the Senate and House of Representatives, That a Committee of two from the Senate, and three from the House, be appointed to inquire into the present condition of the Executive Mansion, and promptly to have such repairs, and such additions made to the furniture thereof, as will best contribute to the comfort and convenience of its inmates.

Committee to enquire into condition of Executive Mansion, &c.

Approved 23rd January, 1866.

(No. 16.)

WHEREAS, Certain citizens of this State, owners of real estate on Wilmington, Whitmarsh, Skidaway, Sapelo, and all other islands, were driven by the fortunes of war from their homes in 1861, and their property seized by the military, and appropriated to the use of freedmen by an order from General Sherman, and though peace reigns supreme throughout the State, and all of said citizens have renewed their allegiance to the government of the United States, yet deprived of the possession and enjoyment of their property, they are forced to remain exiles from their homes;

Preamble.

Be it therefore resolved, by the General Assembly of the State of Georgia, that His Excellency, the Governor, be, and he is hereby earnestly requested to communicate with His Excellency, the President, and inform him of the distressed condition of these our suffering citizens, and request a restoration of their property on said Islands, as well as all other property of other citizens of this State, which still is in the possession, or under the control of the Freedman's Bureau.

Governor to request restoration of property to certain citizens.

Approved 25th January, 1866.

(No. 17.)

Election of Judges of Supreme Court.

Resolved, That the General Assembly will convene in the Hall of the House of Representatives on Friday next, at 11 o'clock, A. M., and proceed to elect two Judges of the Supreme Court of this State: the first for a full term of six years, and the other to fill the vacancy occasioned by the election of the Honorable Charles J. Jenkins to the office of Governor, and for the unexpired portion of the term for which he was appointed.

Election of U. S. Senators.

Resolved further, That the General Assembly of the State of Georgia will convene in the Representative Hall, on Tuesday next, the 30th instant, at 11 o'clock, A. M., and proceed to elect two United States Senators: the first to be chosen for the unexpired term of six years, commencing the 4th day of March, 1865, and the other for the unexpired term of six years commencing the 4th of March, 1861.

Adopted 25th January, 1866.

(No. 18.)

Governor to call upon Banks to make returns within ten days.

Resolved, By the Senate and House of Representatives, that His Excellency, the Governor, be requested to call upon the several banks of this State to make a return of their condition conformable to the law now existing, and that the same be returned within ten days, and that the Governor be further requested to transmit said reports to the General Assembly when received.

Approved 6th February, 1866.

(No. 19.)

Preamble.

WHEREAS, It appears by the message of His Excellency, the Governor, that in order to obtain proper redress, it is necessary for the State of Georgia, to prosecute her claim in the Court of Claims of the United States for cotton claimed as belonging to this State and lately seized by the Federal Army:

Governor to employ an Agent to prosecute claims.

Be it therefore Resolved, by the General Assembly, That His Excellency, the Governor, be, and he is hereby authorized and requested to employ a suitable agent or agents, and attorney or attorneys, to institute in the said Court of Claims such proceeding as may be necessary, and to prosecute in behalf of this State, said claim to its final completion, whenever in his judgment it may be considered proper to do so.

Approved 6th February, 1866.

(No. 20.)

Resolved, by the Senate and House of Representatives of the State of Georgia, that His Excellency, the Governor, be authorized and required to appoint a Commissioner whose duty it shall be, with His Excellency's consent and approval, to make a full, fair, equitable and final settlement with the firm of Messrs. Devine, Jones & Lee, of all matters relating to, or in anywise connected with the late Card Manufactory established and carried on in the Penitentiary of the State.

Committee to make settlement in Card manufactory case.

Approved 6th February, 1866.

(No. 21.)

Resolved, By the Senate and House of Representatives of the State of Georgia, that the Commissioner appointed, or to be appointed, by his Excellency the Governor, to make final settlement of the State's interest, in the Cotton Card Factory, be, and he is hereby authorized, by, and with the approval of his Excellency, to sell and dispose of all such articles as may be awarded to the State, in said settlement; *Provided*, said articles or things cannot be profitably used by the Penitentiary; in that event, said Commissioner shall turn over said articles to the Penitentiary, or such part thereof, as may be needed by the Penitentiary.

Articles awarded to State in Card Cotton Factory case to be sold.

Proviso.

Approved 7th February, 1866.

(No. 22.)

WHEREAS, There is great distress among the orphan poor of the State, *and whereas*, the late Convention has made it the duty of this Legislature to adopt measures for the relief of them; it being not more the duty than the pleasure, of this body, to comply with the benevolent wishes of the Convention:

Preamble.

Be it Resolved, By the Senate and House of Representatives, in General Assembly met, that a joint committee, consisting of four from the Senate, and seven from the House, be appointed by the presiding officers of each body, to act as said committee to draft a proper bill, authorizing and establishing a state Orphan Home or Homes, for the reception of indigent Orphans.

State Orphan Home.

Approved 9th February, 1866.

(No. 23.)

Resolved, By the General Assembly of the State of Georgia, That the penalty of the bond given by Aaron Thornby and principal, and Edwin R. Harden security, for the appearance of said Aaron Thornby, at the October term of the Superior Court, of the county of Whitfield, in the year 1863, and upon which, judgment was rendered, at the Spring term of said Court, in the year 1864, be

Bond given by Aaron Thornby and Edwin R. Harden to mean Confederate States currency.

held and taken to mean Confederate States currency, and the parties are hereby permitted and authorized, to settle the same, by the value of said penalty, in specie, or its equivalent, in United States currency; and the presiding Judge of said Court is hereby required to make such order as justice and equity demand, in the premises.

Judge to make such order as Justice demands.

Approved 9th February, 1866.

(No. 24.)

Preamble.

WHEREAS, The fortunes of war have disabled many of our citizens, rendering them wholly unable, by the loss of a leg or legs, or arm or arms, to gain an honorable support, *and whereas*, it is the duty of the State to care for and protect her disabled soldiery; therefore be it,

Resolved, That, with a view to provide every assistance to those thus unfortunately deprived of their limbs, by furnishing artificial ones, to the needy and dependent, the Comptroller General of the State of Georgia, be, and he is hereby required, in his general circular to the Tax-Receivers of the State, to require them to return a list of every man in their counties, who has lost a leg or legs, or arm or arms, by the casualties of war, and that he report the same to this General Assembly, at its next annual session.

Tax Receivers to be required to return a list of every man in counties who has lost a limb in war.

Approved 9th February, 1866.

(No. 25.)

Preamble.

WHEREAS, By a resolution of the Convention, authorizing the Governor to appoint three Commissioners for the State, to enquire into the Finances of the State, from the first of January 1861, and report the result of such investigation to this Legislature; *And whereas*, under said resolution, the Honorable Thomas P. Saffold, O. A. Lochrane, and Charles S. Jordan, were appointed to make such investigation, and report; *And whereas*, it is important that the General Assembly should be fully informed upon the matters, said Commission are investigating, as well as the financial operation during the time aforesaid; be it therefore,

Resolved, By the Senate and House of Representatives, that said Commissioners do communicate the result of the investigation to the Legislature; giving all information in their possession, as to the Financial operations of the State, covering the time of their investigation, so that the Legislature may come to a conclusion as to whether or not it is allowable or necessary, to continue said commission; if no necessity exists for its further continuation, that the same may be dissolved, and thereby save an immense expense to the State.

Commissioners of Finance to report result of investigation.

Resolved further, That his Excellency the Governor, be requested to communicate this to said commissioners.

Governor to communicate resolution to Commissioners.

Approved 9th February, 1866.

(No. 26.)

WHEREAS, Under the orders of the Secretary of War, and Major General George H. Thomas, the late Provisional Governor of Georgia appointed five Directors to receive the Western and Atlantic Rail Road from the military authorities of the United States; *and whereas*, that duty was performed by said Directors, or a part of them, and other valuable services rendered to the State by them; *and whereas*, said Directors may be in possession of information of much value to the people of Georgia, relative to the terms upon which said road was received, and the management and condition of that important interest; therefore, Preamble.

Resolved, By the Senate and House of Representatives, that a joint committee, of two from the Senate, and three from the House of Representatives, be appointed, whose duty it shall be to call upon said Board, for a report of their actings and doings, as Directors of said Road, and such other information as they possess, touching the management and condition of said Road, and report the same to each branch of the General Assembly as early as practicable. Committee to call upon Board of Directors of W. & A. Railroad for information.

Approved 9th February, 1866.

(No. 27.)

WHEREAS, By an act of the Congress of the United States, passed August 5th, 1861, providing for the raising of Internal revenue; the direct assessment upon the State of Georgia, is five hundred and eighty-four thousand, three hundred and sixty-seven, and one-third dollars, ($584,367.33-100.): WHEREAS, The process of collecting said sum, has commenced in Georgia, and no opportunity has been afforded this State, to assume the collection and payment of the amount required of this State: WHEREAS, The Secretary of the Treasury of the United States, declines, without express legislation by Congress, to permit this assumption by the States lately hostile to the United States: Preamble.

1st, *Resolved*, By the Senate and House of Representatives, of the State of Georgia, that the Secretary of the Treasury of the United States is respectfully requested to suspend the collection of Georgia's quota of the Internal revenue tax, from the people, until the question shall be submitted to Congress. Secretary of the Treasury requested to suspend collection of Revenue tax.

2nd, *Resolved*, That the Congress of the United States is requested to consider the just claims of the people of Georgia, who, on account of their present exhausted condition, should be relieved from the payment of Federal tax, by a direct levy upon the people at this time, and that this State should be permitted to assume its collection and payment. Congress requested to make a direct levy upon the people.

3rd, *Resolved*, That His Excellency Charles J. Jenkins, Governor, is requested to forward a copy of this preamble and resolutions,

Governor requested to forward copy of resolutions to the President and Secretary of Treasury.

to the Secretary of the Treasury of the United States, and to His Excellency Andrew Johnson, President, with a request that the same be laid before Congress.

Approved 15th February, 1866.

(No. 28.)

Preamble.

WHEREAS, The Banks of the State have applied to the Legislature for relief, *and whereas*, it is right and proper, that the Legislature should be informed as to the amounts loaned by the different Banks, to the State; the time when, and for what purpose loaned; be it therefore:

Comptroller General to communicate the amount, &c, loaned by each Bank to State.

Resolved, That the Comptroller General be requested to communicate to this Legislature, at his earliest convenience, all the information in his possession, of the amount loaned by each of said Banks to the State, the time of such loan, and for what purpose such loan was made, and in what currency paid.

The amount loaned, &c, to Confederate States.

And be it further resolved, That the Comptroller General be further requested to give to the General Assembly, all the information in his possession, of the amount loaned by each of the Banks of this State, to the Confederate States, and the time when such loan was made, and in what currency paid.

Approved 21st February, 1866.

(No. 29.)

Post-Master General requested to have established a certain mail route.

Resolved, By the Senate and House of Representatives, of the State of Georgia, that the Post-Master General be requested to have established, by law, a mail route from Doctor town (No. 5, Atlantic and Gulf Rail Road,) in Wayne county, via Felix Eason's, Paul Carter's, Seaborn Hall's and Dent's steam mill, to Ocmulgeeville, Coffee county, and that his Excellency the Governor, cause a copy of this resolution to be forwarded to the Post-Master General.

Approved 20th February, 1866.

(No. 30.)

Preamble.

WHEREAS, There is an accumulation of surplus books in the State Library, to so great an extent that it is a difficult matter for the Librarian to find room for the proper disposition, and arrangements of valuable works now on hand, and being weekly received, *and whereas*, the greater portion of said surplus books are now of no practical utility, and greatly in excess of any demand for their use, and should be disposed of; therefore be it

Committee appointed to examine Library.

Resolved, That a committee of three from the House, and two from the Senate, be appointed to examine the State Library, and report as soon as practicable, as to the propriety of authorizing the distribution of said surplus books, either to the several counties of this State, or to recommend such other disposition of the same, as may be deemed most advisable.

Approved 23rd February, 1866.

(No. 31.)

Resolved, That the General Assembly do hereby express their cordial endorsement of the sentiments contained in the able and patriotic address of the Honorable Alexander H. Stephens, delivered in the Hall of the House of Representatives, on the 22nd instant, and that a copy of the same be spread upon the Journal of the Senate and House of Representatives. Endorsement of sentiments of address Hon. A. Stephens. General Assembly.

Approved 24th February, 1866.

(No. 32.)

WHEREAS, The Senate and House of Representatives of the United States of America in Congress assembled did pass an Act donating public lands to the several States and Territories which may provide Colleges for the benefit of Agriculture and the Mechanic Arts approved July 2nd, 1862, *provided*, That the State or Territory should signify its acceptance within two years from the date of its approval by the President, *And Whereas*, an Act extending the time within which, States and Territories may accept this grant of lands, was passed and approved April 14th, 1864, by which the time of acceptance was extended to April 14th, 1866: Preamble.

Therefore be it resolved, by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the State of Georgia does hereby signify its acceptance of the benefits and provisions of this Act. State of Georgia signifies its acceptance of Act of Congress, of July 2nd, 1862.

Resolved further, That His Excellency, the Governor, be authorized to forward a copy of these resolutions to the President of the United States. Governor to forward copy of resolutions.

Approved 28th February, 1866.

(No. 33.)

WHEREAS, The Special Agents of the Treasury of the United States are in the habit of seizing cottons on the pretext that such cottons have been subscribed to the Confederate loan, *And whereas*, such seizures materially embarrass the movement and sales of cotton in which the United States have no interest nor claim: Preamble.

Be it therefore resolved, by the General Assembly of the State of Georgia, That the Governor be requested to memorialize the Secretary of the Treasury to direct the agents of his Department not to seize any cotton on the ground that it was subscribed to the Confederate loan unless the same has been paid for, or delivered, and that where such seizures have been made and it shall be made to appear that the same was not paid for by the Confederate States, or delivered by the subscribers to the Confederate States, or its agents, then in such cases the same shall be returned to the owners of said cottons. Relative to seizure of cotton.

Approved 2nd March, 1866.

(No. 34.)

Gov'r. to direct Librarian to make distribution of surplus books.

Resolved, by the Senate and House of Representatives, That His Excellency, the Governor, be and he is hereby authorized and required to direct the State Librarian to make such distribution among the present members of the General Assembly, for the use of their respective counties, of such surplus and useless books in the State Library, as he may deem advisable for the best interest of said Library, and in default of any demand being made upon the Librarian as aforesaid, within a reasonable time, that His Excellency, the Governor, be and he is hereby authorized to direct such other distribution or disposition of said surplus books, by said Librarian, as he may, in his judgment, determine fit and proper.

To employ suitable person to clean up rooms.

And be it further Resolved, That His Excellency, the Governor, be and he is hereby authorized and empowered to employ a suitable person, at a reasonable compensation, to clean up the rooms now used as depositories for the surplus books of the State Library.

Approved 22nd March, 1866.

(No. 35.)

P. M. Gen'l. requested to recommend certain mail routes.

Resolved, by the General Assembly of the State of Georgia, That the Post Master General of the United States is requested to recommend that the following mail routes be established by the Congress of the United States, to-wit: A mail line for weekly service from Reidsville, in Tatnall county, by the way of Brewton's Mills, William Deloach's Mills, Bengal, Statesboro', Mill Ray, and thence to Halcyondale on the Central Rail Road. Also a mail line for weekly service from Reidsville, Tatnall county, by the way of Cobb Town to Swainsboro' in Emanuel county.

Resolved, further, That His Excellency, the Governor, be and he is hereby requested to transmit a copy of this resolution to the Post Master General of the United States.

Approved 5th March, 1866.

(No. 36.)

Preamble.

Whereas, The school system of this State is very defective, and it being of the highest importance that the advantages of education should be provided for all the citizens of this State,

Com. ap'd. to rep't com'n. sch'ol syst'm

Be it therefore Resolved, by the Senate and House of Representatives in General Assembly met, That a committee of sixteen be appointed by the presiding officer of each body, ten from the House and six from the Senate, to digest and report at the next session of the General Assembly a common school system for the State.

Be it further Resolved, by the authority aforesaid, That the State

Librarian, in conjuction with his now prescribed duties, be and he is hereby constituted and appointed School Commissioner for the State of Georgia, to whom all reports belonging or appertaining to public education shall henceforth be made. Said School Commissioner shall hereafter be elected at the same time and in the same manner as now provided by law for the election of State House officers. Librarian p'nted sch com'n'r. Time of tion.

Approved 7th March, 1866.

(No. 37.)

Resolved, by the General Assembly of the State of Georgia, That the Senate committee of (5) five, and the House committee of (5) five, to whom the Governor's Message has been referred, in relation to providing corn for the destitute, act as a joint committee. Committ made jo

Approved 7th March, 1866.

(No. 38.)

Whereas, In consequence of the destruction of a number of maps in the office of the Surveyor General; *And whereas*, it is necessary that the loss should be replaced at as early a day as practicable; be it therefore, Preambl

Resolved, That the Secretary of State be allowed a Clerk in his office, for the purpose of replacing said maps; *Provided*, That the Secretary of State shall supply certain district maps now missing in the Surveyor General's office, to be supplied without further cost to the State. Sec'y. of allowed Clerk. Proviso.

Approved 8th March, 1866.

(No. 39.)

Whereas, Epsey Wood, a convict from the county of Franklin, and now confined in the Penitentiary of this State, was sentenced to imprisonment for eight years, and she having served five years imprisonment, and being the only female in said Penitentiary, Preambl

Be it Resolved, by the General Assembly of the State of Georgia, That His Excellency, the Governor, be and he is hereby earnestly requested to pardon and permit to go free the said Epsey Wood. Relative pardon Epsey

Approved 8th March, 1866.

(No. 40)

Whereas, There has passed both branches of the General Assembly, an Act granting to persons living near to and owning land upon the line of Western and Atlantic Rail Road, the privilege of Preamb

building stock gaps; *And whereas*, such Act has been approved by His Excellency, the Governor; therefore, in order that the farmers and such other persons living near to, and owning lands upon the line of said Rail Road may receive the benefits of the above recited bill,

The General Assembly do Resolve, That His Excellency, the Governor, immediately upon the passage of this resolution, be and he is hereby respectfully requested to instruct the Superintendent of the Western and Atlantic Rail Road to give such aid to the farmers and other persons owning land upon said Rail Road, as will enable them to complete, in time to secure their crops for the present year, the "stock gaps" contemplated in the above recited Act.

Sup. W. & A. R. R. to give aid to secure stock gaps.

Approved 8th March, 1866.

(No. 41.)

Whereas, A large portion of Southern and South-Eastern Georgia are without mail facilities whatever, from the fact that since the close of the war no post-offices have been established or mails distributed along the line of the Atlantic and Gulf Rail Road; therefore,

Preamble.

Resolved, That the General Assembly of the State of Georgia do respectfully request that the President of the United States will have the mail route over said Rail Road, or as much thereof as may be in operation, resumed at as early a day as practicable, and over all other mail routes not yet in operation.

President respectfully requested to establish mail route over Gulf R. R. and elsewhere.

Resolved, That His Excellency, the Governor, be requested to transmit a copy of these resolutions to President Johnson immediately.

Gov'r. requested to transmit copy of resolution.

Approved 10th March, 1866.

(No. 42.)

Whereas, The State of Georgia is a large stockholder in the Atlantic and Gulf Rail Road, and has by resolution of the General Assembly hitherto passed, had her stock represented in the elections of said Company, by certain persons therein named, most of whom are either dead or have resigned; *And whereas*, it is important that she should always be represented at said elections; therefore,

Preamble.

Be it Resolved, by the General Assembly, That the Hon. William B. Fleming, of Chatham, and J. R. Alexander, of Thomas county, be and they, together with any of the persons originally appointed, who may be now capable of acting, or either of them, are hereby authorized and empowered to cast such vote in all elections held by said Company as the State may be entitled to, by reason of her stock so held therein; and shall hold their appointments until otherwise ordered by the Legislature.

Voters ap'd. to represent stock of State in A. & G. R. R.

Term of appointment.

Approved 10th March, 1866.

(No. 43.)

Whereas, M. P. Quillian has, at considerable expense, put in operation an establishment for the manufacture of brooms; *And whereas*, it is of great importance that manufactures should be fostered and encouraged within this State, Preamble.

Be it therefore Resolved, by the General Assembly of the State of Georgia, That the aforesaid M. P. Quillian be allowed to transport brooms of his own manufacture over the Western and Atlantic Rail Road by weight as second class freight. Allowing M. P. Quillian certain privileges.

Approved 12th March, 1866.

(No. 44.)

Resolved, by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the Comptroller General be and he is hereby authorized and required to audit all claims for printing and publishing, which were contracted by order of the Hon. James Johnson, late Provisional Governor of this Sate, when the same were osdered by him officially as such Governor. Comp. Gen. to audit all claims for printing, &c.

Approved 10th March, 1866.

(No. 45.)

Resolved, by the General Assembly, that His Excellency, the Governor, be and he is hereby authorized and requested to purchase and cause to be sent by mail or express as soon as published, one copy of Wellborn's pamphlet of Public Laws, &c., of the present session, to each of the Clerks of the Superior and Inferior Courts, and to the Ordinaries of each county in this State, and that the Governor pay for the same at one dollar and fifty cents per copy, out of the printing fund, or any moneys not otherwise appropriated, *Provided*, the same be published and delivered to him within ten days from the adjournment of the Legislature. Governor authorized to purchase a number of Wellborn's pamphlet. Provisos.

Approved 16th March, 1866.

(No. 46.)

The General Assembly of the State of Georgia do resolve, 1st. That in Andrew Johnson, President of the United States, we recognize a statesman, whose wisdom and patriotism, lifting him above the strifes of faction, render it impossible for him to be identified with or appropriated by any party, but that which, without regard to former party divisions, shall be composed of men who devote themselves honestly and earnestly to the maintenance of the Union upon the principles of the Constitution. Endorses President Johnson.

2nd. That the only hope for the preservation of free government on this continent lies in the maintenance of the Union upon the principles of the Constitution, and as all rational basis for sectional parties has passed away with the extinction of slavery, we pledge ourselves, irrespective of all former party designations, and of the passions inspired by the recent lamentable war, to co-operate cordially and earnestly with all men, of all sections, who will lay down party considerations upon the altar of a common country, and rally to the support of the President in his noble, courageous and patriotic determination that by the exercise of wisdom, justice, moderation and magnanimity, the Union upon the principles of the Constitution shall be re established and enshrined anew in the hearts of the people.

Pledge to unite with all men who rally to the support of the President.

3rd. That His Excellency, the Governor, be requested to forward a certified copy of these resolutions to the President of the United States.

Approved 21st March, 1866.

(No. 47.)

Resolved, That the committee on the Deaf and Dumb Asylum, be, and they are hereby authorized to appoint a sub-committee of three, who, acting in conjunction with a sub-committee of two members of the Senate, shall proceed to visit and examine the Deaf and Dumb Asylum, at Cave Spring, Floyd county, during the recess of the General Assembly, and report upon the management, condition and wants, of the Institution, to the next session of the General Assembly.

Sub-Committee appointed to examine and report upon wants of Deaf & Dumb Asylum.

Approved 21st March, 1866.

(No. 48.)

Be it Resolved, By the Senate and House of Representatives, of the State of Georgia, that his Excellency the Governor be, and he is hereby instructed to appoint three Commissioners to examine and report upon the propriety of removing the present Penitentiary, and locating it elsewhere, or of establishing an additional one. If in their judgment the same should be removed from its present location, that it shall be their duty to select some suitable and convenient location, and to ascertain upon what terms the same can be purchased, and that said Commissioners report all the facts connected with the same, to the next meeting of this General Assembly.

Governor instructed to appoint Commissioners to report on propriety of removing Penitentiary, &c.

Approved 21st March, 1866.

(No. 49.)

Resolved, That the Superintendent of the Lunatic Asylum, be, and he is hereby authorized to have his accounts made by the Stew-

ard of the Asylum, and that his supervision of the same will be considered a substantial compliance with the law, passed at this session, using the words "the Superintendent shall account," &c.

Approved 21st March, 1866.

Superintendant of Lunatic Asylum may have his accounts made by the Steward.

(No. 50.)

Resolved, By the General Assembly of the State of Georgia, that his Excellency the Governor, be, and he is hereby authorized to appoint an agent (if he thinks it proper to do so,) to urge before the proper department of the Federal government, and if necessary to test, before the proper Judicial tribunal, the following matter of controversy, between the two Governments, to-wit:

Governor authorized to appoint agent for certain purposes.

SEC. I. The right of the Federal authorities to change the contract (in the manner of payment, and the addition of interest) made under instructions of the War department, between the Federal Military authorities, and the authorities of this State, for the purchase of cars, engines, and other property for the W. and A. R. Road.

Right of Federal authorities to change contract for purchase of cars for W. & A. Railroad.

SEC. II. The right of said Road, and under the same instructions to receive remuneration for all troops, supplies, and passengers, passing over the same, from the time it was taken possession of by the military authorities of the United States, until it was restored to the State.

Right of Road to receive remuneration for troops, &c. passing over same.

SEC. III. The right of the Federal Government to tax the gross earnings of the Road, the value of its cars, engines, &c.; and any other matters of controversy arising out of the action of the Federal authorities, touching said Road.

Right of Federal government to tax gross earnings of Road, &c.

Approved 21st March, 1866.

(No. 51.)

Resolved, By the Senate and House of Representatives, that the Secretary of the Senate, and the Clerk of the House of Representatives, be allowed ten days to bring up the unfinished business of the session, and to index the Journals of the Legislature.

Secretary of Senate and Clerk of House allowed ten days to bring up unfinished business.

Approved 21st March, 1866.

(No. 52.)

WHEREAS, A. O. Bacon, Esqr., of the City of Macon, is preparing a digest of the decisions of the Supreme Court, of the State of Georgia, from volume 21 to volume 32 inclusive, *and whereas*, it is desirable that the Judges and county officers should be supplied with such digests; be it therefore,

Preamble.

Resolved, That his Excellency the Governor be, and he is hereby authorized to appoint a committee of three competent lawyers to examine said digest, upon its completion, and report thereon, to the next session of this General Assembly.

Governor to appoint committee to examine Digest of decisions of Supreme Court.

Approved 21st March, 1866.

(No. 53.)

Committee appointed to inform the Governor that the General Assembly are ready to adjourn sine die.

Resolved, That a committee of five from the House, and three from the Senate, be appointed to inform his Excellency the Governor, that both branches of the General Assembly, having disposed of the business before them, are ready to adjourn *sine die*; and to ascertain from him whether he has any communication to make, to either branch of the General Assembly.

Approved 21st March, 1866.

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